

ACTS
OF THE
GENERAL ASSEMBLY OF ALABAMA,
OF
LOCAL OR SPECIAL CHARACTER,
PASSED AT THE
SESSION OF 1898-99,
HELD IN THE CITY OF MONTGOMERY
COMMENCING
TUESDAY, NOVEMBER 15, 1898.

JOSEPH F. JOHNSTON, Governor.
R. M. CUNNINGHAM, President of the Senate.
CHARLES E. WALLER, Speaker of the House.

I, ROBERT P. McDAVID, Secretary of State for Alabama, do hereby certify that this book containing the Acts of Local, Personal and Special Character passed at the session of the General Assembly of Alabama, which was organized November 15, 1898, is published by the authority of the State of Alabama, and in accordance with law.

ROBT P. McDAVID,
Secretary of State.

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JACKSONVILLE, FLA.
1899.

ACTS
OF THE
GENERAL ASSEMBLY OF ALABAMA
OF
LOCAL OR SPECIAL CHARACTER.

No. 1)

AN ACT

(H. 19

To authorize and require the Commissioners' Court of Greene county, Alabama, to set apart and appropriate money from the general fund of said county with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and by the clerk of the Circuit Court of said county, fees which by law become a good claim against the fine and forfeiture fund of said county, after the approval of this act, and to regulate the manner of said payments and fixing the amount of said witness fees.

Section 1. Be it enacted by the General Assembly of Alabama: That it shall be the duty of the Court of County Commissioners of Greene county, Alabama, to set apart and appropriate from the general funds of said county a sufficient amount, not less than seven hundred and fifty dollars and not to exceed twelve hundred and fifty dollars, at each of the regular terms of said Court held in February and August of each year, with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and by the clerk of the Circuit Court of said county.

Fund to pay
State wit-
nesses

Sec. 2. Be it further enacted, That State witnesses in attendance before the grand jury of said

Per diem,
mileage and
ferriage

county shall be entitled to a certificate from the foreman of the grand jury for the sum of sixty (60) cents per diem, for attendance and four cents per mile traveled each way, while attending Court, and for ferriage actually paid; and the State witnesses in attendance upon the Circuit Court shall be entitled to a certificate of attendance and for mileage and ferriage in like sum and at the same rate as provided for witnesses before the grand jury in this section, to be signed by the clerk of the Court; and the foreman of the grand jury and clerk of the Circuit Court shall state in the face of the certificates so issued to such witnesses, the number of days allowed such witnesses, the number of miles traveled and the amount of ferriage paid.

Payment by
county
treasurer

Sec. 3. Be it further enacted, That it shall be the duty of the county treasurer of said county on presentation of these or any of the certificates provided for in the above section (section two of his act), to pay the same without further endorsement, from the sum set apart as above provided for, and to cancel the same, keeping a record of the amount of the same, which certificates after being so paid, shall be vouchers for the said treasurer in his settlement, provided that said certificates shall be presented for payment within six months after the issuance of the same, or on failure thereof shall be forever barred.

Barred after
six months

Costs when
defendant is
convicted

Sec. 4. Be it further enacted, That in cases which the defendant is convicted, the amount of the certificates issued as above provided for shall be charged as costs, against said defendant and collected as other costs, and shall be paid into the treasury of said county, and as a supplemental fund to that provided for in section one of this act.

Duties of
clerk of Cir-
cuit Court

Sec. 5. Be it further enacted, That within thirty days after the adjournment of the regular term, or any special term, of the Circuit Court of said county, it shall be the duty of the clerk of the said Court to certify to the county treasurer the amounts of certificates issued to witnesses before the grand jury and State witnesses in the Circuit Court. In each case where the State has secured a conviction, and where said witnesses' fees are collected, it shall

be the duty of the clerk to pay the same over to the county treasurer when collected.

Sec. 6. Be it further enacted, That if there remains any balance of said appropriation so set apart, at the end of each year, for which it was appropriated, after the payment of the claims above provided for by this act, the said balance shall be included in the amount to be set aside by the said Court of County Commissioners for the payment of said witnesses' fees for the next ensuing year.

Balance for
each year

Sec. 7. Be it further enacted, That should the Commissioners Court of said county for any reason fail to make the appropriation required in section one of this act, at the time required, the probate judge of said county is hereby required to call the Court to meet on a day fixed, after giving the notice required by law for special terms of said Court, when they shall proceed to set apart and make said appropriation.

Fund must be
set apart

Sec. 8. Be it further enacted, That the outstanding claims against the fine and forfeiture fund of said county, and the payment thereof, shall be in no wise affected by this act.

Claims not
affected

Sec. 9. Be it further enacted, That all laws, general or special, in conflict with this act, be and the same are hereby repealed.

Repeal

Approved November 30th, 1898.

No. 3)

AN ACT

(H. 3

To authorize the City of Eufaula to issue bonds for funding its floating debt.

Section 1. Be it enacted by the General Assembly of Alabama, That the City of Eufaula in the County of Barbour, be and it is hereby authorized to issue bonds not to exceed Fifteen Thousand Dollars, for the purpose of adjusting and settling its floating indebtedness, which said bonds may be issued in such sums and form and to run for such length of time, not to exceed fifty years, and to bear such rate of interest, not to exceed six per centum per annum, payable annually or otherwise, and at such place or places as the city council of

May issue
bonds

Eufaula may determine and prescribe; and such bonds to be signed by the Mayor and countersigned by the treasurer of said city and bear the seal of said city.

Not to sell at less than par Sec. 2. Be it further enacted, That none of the bonds herein and hereby authorized to be issued shall be sold or disposed of at less than their par value, and the proceeds arising therefrom shall be applied exclusively to the payment and discharge of the floating indebtedness of said city.

When redeemed Sec. 3. Be it further enacted, That the city council of Eufaula may, at its option, provide in the face of said bonds, issued hereunder, that the same may be redeemed at any time after a certain period of years to be prescribed therein.

Record of Sec. 4. Be it further enacted, That the treasurer of said city shall keep a book of registration in which he shall record the number, amount and description of all bonds issued under this act, and said bonds shall be issued only on the order of the city council of Eufaula.

Alabama

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Taxes Sec. 5. Be it further enacted, That said The City Council of Eufaula may in its discretion, make the interest which may accrue on said bonds issued hereunder, receivable for taxes which may be due said city, at any time after or within three months before maturity.

Expenses Sec. 6. Be it further enacted, That the city council of Eufaula be, and it is hereby authorized to allow and pay all just and reasonable expenses incurred in carrying out the provisions of this act as proper claims against the said city.

Approved November 30th, 1898.

No. 4)

AN ACT

(S. 50

To regulate the drawing of Grand Juries for the Circuit Court of Calhoun County:

Grand jury: when to be summoned Section 1. Be it enacted by the General Assembly of Alabama, That no grand jury shall be summoned for, or organized at, any term of the Circuit

Court for the County of Calhoun, except in cases where the judge of said Circuit Court believes that public good requires a grand jury for said Court.

Sec. 2. Be it further enacted, That whenever in the opinion of the judge of said Court the public good requires that a grand jury be organized for said Court he shall give the clerk of said Court notice of the same in writing at least twenty days prior to the beginning of such term of Court, and thereupon a grand jury shall be drawn, summoned and organized, under the provisions of law governing such proceedings in said Court.

Notice to circuit clerk

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Repeal

Approved November 30th, 1898.

No. 5)

AN ACT

(S. 49

To provide for the prosecution and trial of misdemeanors in the City Court of Anniston, and to regulate the same.

Section 1. Be it enacted by the General Assembly of Alabama, That any person charged with the commission of a misdemeanor in Calhoun county may be tried in the City Court of Anniston upon information, and the proceedings in such case shall be the same as now provided by law for trials upon information in the County Courts under the general laws of this State, except that no appeal shall lie in such case to the Circuit Court.

Trial on information

Sec. 2. Be it further enacted, That any person prosecuted under this act may, if he desire a trial by jury, demand the same on his first appearance before the judge of said Court, and it shall then be the duty of the judge to require him to enter into bond, with good sureties, in such sum as the judge may deem sufficient, conditioned for his appearance at the next jury term of said Court, to answer the charge; and if the accused fails to give such bond, he must be committed to jail until said next jury term of said Court, unless he elects in

When trial by jury

the meantime to perform hard labor for the county as provided by law.

Duty of City
Court solic-
itor

Sec. 3. Be it further enacted, That it shall be the duty of the solicitor of said City Court to represent the State in all prosecutions under this act and on conviction he shall have the same fees as are now provided for like convictions in the County Courts of the State.

Approved November 30th, 1898.

No. 6)

AN ACT

(S. 48

To provide for the permanent location of the County Site of Calhoun County by a vote of the qualified electors of said county.

Election for
county site

Section 1. Be it enacted by the General Assembly of Alabama, That whenever fifty or more electors of Calhoun county shall present to the clerk of the City Court of Anniston, the mayor of Jacksonville and the chancellor of the Northeastern Chancery Division of the State of Alabama, who are hereby created and appointed a board of commissioners for the purposes of this act, or their successors in office, a petition in writing, praying for an election to ascertain the wishes of the people of said county as to whether the county site of said county shall remain at Jacksonville, the present county site of said county, or be removed to the City of Anniston, in said county, it shall be the duty of said board of commissioners to order an election, and fix the time of holding the same, which shall not be more than ninety days nor less than thirty days from the time of the filing of such petition.

Subscription
for court-
house in An-
niston

Sec. 2. Be it further enacted, That no election shall be ordered under the provisions of this act until there shall be secured, free of charge to Calhoun county, a bona fide subscription of the aggregate sum of seven thousand five hundred dollars (\$7,500.00), to be applied to the securing of a proper site for the erection of a new courthouse in the City of Anniston, in the event the result of such election shall be in favor of the removal of said

county site to said City of Anniston, such subscriptions to be payable in money, but the Court of County Commissioners of said county may accept in lieu thereof, if they deem it advisable, a conveyance or conveyances of real estate, at its market value, for the whole or any part of such subscription. If the result of said election is in favor of the removal of said county site to the City of Anniston, the Court of County Commissioners of said county shall, as soon thereafter as practicable, not later than thirty days, meet and determine whether they will accept such subscription in cash, or the whole or any part thereof in land, and within thirty days after the decision by said Court of County Commissioners said cash subscriptions shall be paid in money to the county treasurer, or a deed to the property accepted by the Commissioners' Court, as aforesaid, conveying the land so donated and accepted to Calhoun county, shall be filed in the probate office for record.

Sec. 3. Be it further enacted, That said board of commissioners herein above named shall be and they are hereby authorized to receive subscriptions to the fund to be donated to said county, to be payable in the event the result of said election should be in favor of the removal of the county site to the city of Anniston.

May receive
subscriptions

Sec. 4. Be it further enacted, That if such election shall result in favor of the removal of the county site to Anniston, no order removing said county site to the City of Anniston as herein provided, shall be made by said board of commissioners until the just and full sum of seven thousand five hundred dollars (\$7,500.00) has been paid into the treasury of Calhoun county either in money or in land at its market value, as provided by this act.

When removal may be
ordered

Sec. 5. Be it further enacted, That such board of commissioners shall give notice of said election at least sixty days prior to the time of holding said election, and the purpose for which the same is to be held, by publication in some newspaper published in the county.

Notice of
election

Sec. 6. Be it further enacted, That registration books shall be opened in each voting precinct and ward in said county, on the day fixed by said

Registration
of voters

Registration
of voters

board of commissioners by the several registrars appointed by said board of commissioners, for the registration of the vote of said county, and the books of registration shall be kept continuously open for thirty working days. No person shall be entitled to vote in said election unless he register before said registrars in the precinct of ward in which he resides within said time. The registrars shall require each and every elector who desires to register, for the purpose of qualifying himself to vote in said election, to take and subscribe to the following oath, which shall, in each case, be administered by the registrar to the elector so registering:

"State of Alabama, Calhoun County, I, the undersigned elector, do solemnly swear that I am a citizen of the United States, and of the State of Alabama, and over the age of 21 years, and that I have resided in said State one year next preceding the date fixed for holding the courthouse election for said county, and in said county three months and in precinct (specifying the particular precinct in which the elector desires to register) thirty days, and that I am a duly and legally qualified elector, and am not, in any way, disqualified by law, from voting in the approaching election to determine the location of the county site of said county; that I am not disqualified by reason of conviction of any crime under which I would be disqualified under the general laws of this State."

The several precinct and ward registrars, shall, immediately upon the closing of the books of registration, in their respective precincts and wards, make a true copy and list of names registered in such precinct or ward and certify the same, and shall, immediately after the expiration of the time herein prescribed for registration, deliver the original registration list, together with such certified copy thereof, to the board of commissioners for said election, who shall file and securely keep the same. And such board of commissioners shall deliver to the inspectors of the election, appointed as hereinafter provided, for the several precincts or wards, immediately preceding such election, the certified copy of said registration, for said precinct or ward, returned by the beat registrar.

Sec. 7. Be it further enacted, That only such persons shall be qualified or authorized to vote at said election as have duly registered and have qualified themselves to vote by complying with the provisions of this act.

Qualified
voters

Sec. 8. Be it further enacted, That it shall be the duty of said board of commissioners within five days after the filing of a petition as prescribed in section one of this act, to meet at the courthouse in Jacksonville, and select and appoint three inspectors, two clerks and one returning officer to hold and conduct said election for the several wards and precincts of the county, respectively. One of said inspectors and one of said clerks shall be appointed in each precinct and ward of said county, from a list of five names, recommended for that purpose by the mayor of Jacksonville; one of said inspectors and one of said clerks for each precinct and ward, as aforesaid, shall be appointed from a list of five names recommended by the clerk of the City Court of Anniston, and a third inspector and the returning officer, for each precinct and ward of said county, shall be selected by the board of commissioners. In case said mayor or said clerk shall fail to furnish a list as aforesaid, then it shall be the duty of the board of commissioners to appoint one manager and one clerk at each voting place or ward in said county as recommended by the mayor of Jacksonville and one manager and one clerk at each voting place or ward as recommended by the clerk of the City Court of Anniston, and said board of commissioners shall appoint a third inspector and returning officer for each voting precinct or ward in said county. Said board of commissioners shall notify, or cause to be notified, such persons so appointed as aforesaid of their appointment; the true meaning and intent of this act being to provide for a full and fair representation of both sides in the conduct of said election.

Duties of
board of
commission-
ers

Inspectors,
clerks and
returning
officers

Sec. 9. Be it further enacted, That in the conduct of said election, the clerks of said election shall make and keep a true and correct list of the persons who vote in their respective precincts or wards, numbered consecutively in the order in which they voted, and the inspectors of said elec-

Duties of elec-
tion officers

tion shall not allow any person to vote in said election whose name does not appear upon the registration list (furnished him) for said precinct by said board of commissioners. In said election, each person who has duly qualified and registered under the provisions of this act, shall be entitled to one vote. Said inspectors shall correctly number each ballot with the number to correspond with the number opposite the elector's name on the poll list.

Form of
ballots

Sec. 10. Be it further enacted, That the elector who desires that the county site shall remain at Jacksonville shall have written or printed on his ballot the words "For Jacksonville," and the elector who desires the county site to be removed to Anniston shall have written or printed on his ballot the words, "For Anniston."

Opening of
polls

Sec. 11. Be it further enacted, That the polls for said election shall be opened at the usual voting places in said several precincts or wards in said county, by the inspectors, appointed as herein provided, not earlier than 8 a. m., nor later than 9 a. m., and shall be kept open continuously until 5 p. m. In case any election manager, clerk or returning officer, appointed as hereinbefore provided, shall fail to appear and discharge his duties as such in the conduct and holding of said election, it shall be the duty of the remaining (inspectors) to fill the vacancy thereby caused, by the appointment of another inspector, clerk or returning officer, as the case may be; and in filling such vacancy, it shall be their duty to appoint an inspector, clerk or returning officer, entertaining the same views, as to the retention or removal of said courthouse, as the absent inspector, clerk or returning officer, if practicable.

Closing of
polls

Sec. 12. Be it further enacted, That immediately after the closing of the polls on the day of the election, herein provided for, it shall be the duty of the inspectors of the election at the several precincts and wards in said county, to count the ballots and certify the number of votes cast, "For Jacksonville," and the number of votes cast, "For Anniston," and they shall also securely seal up and label the ballots cast at said election so as to

show the precinct or ward in which they were cast, and shall deliver the same together with the certificate of the result of said election, and the registration list for said precinct, together with the poll list of electors in said precinct, securely sealed, to the returning officer of said precinct or ward, and it shall be the duty of said returning officer, within forty-eight hours after receiving such returns, ballots, registration lists and poll lists, to deliver the same to the board of commissioners.

Sec. 13. Be it further enacted, That it shall be the duty of said board of commissioners, to meet at the courthouse in Jacksonville, on the first Saturday after the holding of said election, and canvass the vote cast at said election and ascertain and declare the result thereof. Said board of commissioners shall have the power, and it shall be their duty, in making said canvass and ascertaining the result of said election, if they shall deem it necessary and proper, to examine and recount the ballots for any precinct or ward in said county, and they shall, also, if they deem it necessary and proper, examine and compare the original registration lists made for said election with the registration list or poll list sent up with the several returns. They shall also have power and authority to reject in such count any ballots shown to be illegal.

Canvass of
vote

Sec. 14. Be it further enacted, That said board of commissioners, upon the conclusion of said count, shall certify in writing, the result of said election, a copy of which shall be filed and recorded in the office of the judge of probate of said county and they shall also publish the same in some newspaper published in said county, giving the number of votes cast "For Jacksonville," and the number of votes cast "For Anniston."

Certify result
of election

Sec. 15. Be it further enacted, That if, upon a canvass of the returns of said election, it shall be found that a majority of all the legal votes cast in said election were in favor of the removal of the county site of said county to the City of Anniston, then said City of Anniston shall thereafter be the county site of said Calhoun county, and it shall be the duty of the Court of County Commissioners, as soon after the result of said election is ascer-

Duties of
county com-
missioners

tained as is practicable, to select a suitable location within the City of Anniston, and to erect thereon a suitable courthouse for said county; and they are hereby authorized and empowered to purchase or receive by subscription or donation, a fee simple title to any lot or lots of land, so as to vest the title in the County of Calhoun, and proceed to erect on said lot or lots, so selected, a suitable courthouse for the use of said county, and to provide suitable places for the holding of Courts, with necessary places for the county officers. If said election shall be decided in favor of Anniston, it shall be the duty of the Court of County Commissioners, as soon as practicable thereafter, to provide a suitable building for the use of the officers of said county, and such officers shall remove as soon as practicable to such place as is provided.

In event vote
being for re-
moval

Sec. 16. Be it further enacted, That in the event of Anniston receiving a majority of all legal votes cast in said election, the Court of County Commissioners shall, as soon as practicable thereafter, sell all the lands and other property, except the county poorhouse, belonging to the county, located in or near the corporate limits of the town of Jacksonville, and turn the proceeds thereof into the county treasury, or use the same or any part thereof in the erection of a suitable courthouse for said county in the City of Anniston.

In case of dis-
agreement

Sec. 17. Be it further enacted, That any duty herein required to be performed by said board of commissioners, to wit: the clerk of the City Court of Anniston; the mayor of Jacksonville, and the chancellor of the Northeastern Chancery Division of Alabama, may be performed by a majority of said board in case of a disagreement among the members of said board, or a failure or refusal of any member of said board to act.

Illegal
registration

Sec. 18. Be it further enacted, That if any person desiring to vote in said election shall falsely take and subscribe the registration oath as provided in this act, he shall be guilty of perjury, and liable to indictment therefor.

Pay of
registrar

Sec. 19. Be it further enacted, That for the registration of electors for said election as herein provided, said registrar shall receive the sum of three

cents for each and every elector lawfully registered by him, to be paid by the county treasurer upon the written order of said board of commissioners.

Sec. 20. Be it further enacted, That each inspector, clerk and returning officer shall receive the sum of one and one-half dollars per diem for services rendered under this act, the same to be paid by the county treasurer upon the order of said board of commissioners.

Pay of election officers

Ses. 21. Be it further enacted, That before entering upon the discharge of the duties imposed upon them by this act, said board of commissioners shall each take and subscribe an oath to fairly, faithfully, and impartially perform the duties required of them by this act.

Oath of commissioners

Sec. 22. Be it further enacted, That before entering upon the discharge of the duties imposed upon them by this act, each inspector, clerk and returning officer shall take an oath, faithfully and impartially to perform the duties required of them by this act, which oath may be administered by any person authorized to administer an oath, or by one another.

Oath of election officers

Sec. 23. Be it further enacted, That if any officer, or person having any duties to perform under this act shall willfully or corruptly fail or refuse to perform the same, he shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than one hundred, nor more than five hundred dollars, and may be imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months.

Penalty for failing to perform duty

Sec. 24. Be it further enacted, That if the election herein provided for shall not be called and held within twelve months from the approval of this act, then its provisions shall be null and void.

When election to be held

Sec. 25. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Repeal

Approved November 30th, 1898.

No. 8)

AN ACT .

(H. 48)

To authorize the City of Mobile to make and issue bonds for building, purchasing, or otherwise acquiring systems of Water Works and Sewerage for the said city, and to mortgage said works to secure said bonds.

Whereas, It is provided by an act entitled, "An act to provide a charter for the City of Mobile, approved February 6th, 1897, Section 21, that the general council of said city has the right to contract for, build, purchase, or otherwise acquire public works, subject to the approval of the majority vote of the citizens of Mobile at a special election called therefor;" and

Whereas, At a special election, duly called and held in the City of Mobile on the 2d day of August, 1897, the mayor and general council of Mobile were, by a majority vote of the citizens of Mobile, authorized to contract for, purchase, build, or otherwise acquire a system of water works to be owned by said city of Mobile, to cost not exceeding five hundred thousand dollars (\$500,000.00), and a system of sewerage to be owned by the said city of Mobile, to cost not exceeding two hundred and fifty thousand dollars (\$250,000.00), payment to be made for said works by issuing bonds and securing the same by a mortgage upon said public works; and

Whereas, It is deemed desirable to authorize and empower the City of Mobile to make and issue bonds to enable the mayor and general council of the City of Mobile to provide the public works so authorized, and to give the mortgage so authorized by a majority vote of the citizens of said city, therefore

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and general council of the City of Mobile be and they are hereby authorized and empowered to make and execute bonds of the City of Mobile, to an amount not exceeding seven hundred and fifty thousand dollars (\$750,000.00), with interest, payable semi-annually, as evidenced by coupons attached to said bonds,

at such place or places as may be designated therein and to sell and issue the same and apply the proceeds arising therefrom to the building, purchasing, or otherwise acquiring, a system of water works, and a system of sewerage for said city; the proceeds, not exceeding five hundred thousand dollars (\$500,000.00), face value of said bonds, to be applied to the building, purchasing, or otherwise acquiring said system of water works, and the proceeds, of not exceeding two hundred and fifty thousand dollars (\$250,000.00), face value, of said bonds, to be applied to the building, purchasing, or otherwise acquiring the said system of sewerage, as authorized by said majority vote of the citizens of Mobile. Said bonds are to run such time, not exceeding forty years from the date of said bonds, and to bear such interest, not exceeding four and one-half per centum per annum, as may be determined upon by said mayor and general council. And the said bonds and coupons for interest thereon shall be negotiable paper, and may be made payable to bearer, and when issued, are to be designated as "City of Mobile Water Works and Sewerage Bonds." Said bonds shall be issued under the corporate seal of said City of Mobile, and none of said bonds shall be of lower denomination than one thousand dollars, or shall be sold or disposed of by the said mayor and general council at less than par. Said bonds shall be of such form, and contain such provisions, consistent with the provisions of this act, as may be determined upon by said mayor and general council.

Water works

Sewerage

Sec. 2. Be it further enacted, That the said mayor and general council be and they are hereby expressly authorized and empowered to mortgage, or convey by deed of trust, said water works and said sewerage system to secure the payment of such bonds, and the interest thereon, as may be issued under and pursuant to this act. And the said mortgage, or deed of trust, may be made to such trustee as said mayor and general council may select, and shall convey any and all property constituting a part of, or used in connection with said water works or sewerage systems, whether owned at the time of the execution and delivery of said mortgage or acquired thereafter. And said mortgage or deed

To secure
payment

of trust shall contain such provisions not inconsistent with the provisions of this act as may be determined upon by said mayor and general council.

Sinking fund Sec. 3. Be it further enacted, That after the lapse of ten years from the issuance of said bonds (unless said mayor and general council elect to have the sinking fund become operative at an earlier date), after paying the operating expenses of the said works, the interest on the said bonds outstanding, and any repairs and extensions that may be deemed expedient by said mayor and general council, there shall remain any surplus in any one year, there shall be created with such surplus of net revenue that may be so had, and in each year, from year to year, a sinking fund which shall be deposited in the First National Bank of Mobile, and when said fund aggregates the sum of five thousand dollars (\$5,000.00) said bank shall advertise for the lowest bid from the holders of such bonds, to surrender the same to said sinking fund for payment and cancellation.

Deficiency Sec. 4. Be it further enacted, That if the income derived from the water works and sewerage system aforesaid is sufficient to pay the operating expenses and the interest upon the said bonds, issued under and pursuant to the terms of this act, any deficiency must be made up and paid up from the general revenue of the City of Mobile.

Exempt from taxes Sec. 5. Be it further enacted, That the bonds issued under and pursuant to this act, and the interest thereon, shall be exempted from any and all taxes which may be imposed by the City of Mobile.

No election Sec. 6. Be it further enacted, That said mayor and general council are hereby authorized and empowered to issue and sell the said bonds as provided for in this act, without holding a special election for the approval of the issuance of said bonds by the majority vote of the citizens of Mobile.

Sec. 7. Be it further enacted, That this act shall take effect and be in force on and after its passage.

Approved November 30th, 1898.

No. 9)

AN ACT

(H. 47

To authorize the City of Mobile to provide, maintain and operate systems of Water Works and Sewerage.

Whereas, It is provided by an act entitled "An act to provide a charter for the City of Mobile," approved February, 6th, 1897, section twenty-one, that the general council of said city has "the right to contract for, build, or purchase, or otherwise acquire public works, subject to the approval of the majority vote of the citizens of Mobile at a special election called therefor;" and

Whereas at a special election, duly called and held in the City of Mobile on the second day of August, 1897, the mayor and general council of the City of Mobile was by majority vote of the citizens of Mobile authorized to contract for, purchase, build, or otherwise acquire a system of water works to be owned by said City of Mobile, to cost, not exceeding five hundred thousand dollars (\$500,000.00), and a system of sewerage, to be owned by said City of Mobile, to cost, not exceeding two hundred and fifty thousand dollars (\$250,000.00), payment to be made for said works by issuing bonds, and securing the same by a mortgage upon said public works; and

Whereas, It is deemed desirable to empower said city to build, purchase, or otherwise acquire, and maintain and operate said systems of water works and sewerage, so authorized by a majority vote of the citizens of said city, therefore

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and general council of the City of Mobile be and it is hereby authorized and empowered to buy, or to build, erect and maintain, and to operate water works for the supply of its inhabitants, with water for the extinguishment of fires and for sanitary, domestic and other purposes, and said mayor and general council of the City of Mobile is also hereby authorized and empowered to buy, or to build, erect and maintain,

Water works

Sewerage

and operate a system of sewerage for the use of said city and its inhabitants.

Location

Sec. 2. Be it further enacted, That full power be and is hereby given to said mayor and general council to enter into and make all needful contracts for acquiring a location or locations for machinery and standpipes, reservoirs, pumps, pipes, hydrants, and valves, buildings, and all other parts of such system of water works; and also for laying sewer pipes, syphons, manholes, flush tanks, pumping engines, and all other parts of such system of sewerage, and

Rights of way

also for rights of way for the erection of said water works and said sewerage systems, and for this purpose full power and authority is hereby given to said mayor and general council to use any and all of the streets or alleys of the City of Mobile, and any or all of the public roads of Mobile county; and in the event said mayor and general council are unable to contract for other rights of way, or the land necessary for securing a location or locations for standpipes, reservoirs, pumps, buildings, and all necessary machinery needed in erecting and constructing water works and sewerage systems authorized by this act, the said mayor and general council is hereby authorized and empowered in order to obtain the same, and the water supply for its standpipes, reservoirs, pipes, sluiceways and canals, to condemn the waters of any stream, creek, spring or river, and the lands adjacent thereto, and also the lands forming what is known as the water shed, if the same are situated in Mobile county, by the exercise of the rights of eminent domain, in the manner provided by law for the condemnation of land for public uses: Provided, however, that nothing in this section shall be applied or be construed to fix a limit of time within which said mayor and general council shall exercise the rights of eminent domain herein conferred; and provided further, that the provisions of this section shall not apply or be construed to authorize said mayor and general council to condemn or appropriate to the use of said water works the water in what is known as Clear creek, in said Mobile county.

Eminent
domain

Sec. 3. Be it further enacted, That the said mayor and general council shall and it is hereby invested with full authority and power to make all proper regulations for preserving, maintaining, and operating such water works and sewerage systems when established, and to collect such rates for waters supplied for the use of said sewerage system as shall be sufficient to pay the interest on any bonds issued by said city for the purpose of providing said water works and sewerage systems, and the expenses necessary for operating the same, and to collect the dues for water so supplied and used and for the use of said sewerage system, and to apply the same to the payment of such interest, provided, that such rates shall not exceed the usual and customary rates charged by other cities, similarly situated, for like service. And the mayor and general council shall be and it is hereby authorized and empowered to extend such water works and sewerage systems in any part of the County of Mobile it may deem proper, and in such event all the powers conferred upon and given to the said mayor and general council shall apply to such portions of such water works and sewerage systems. Regulations

Sec. 4. Be it further enacted, That the said mayor and general council are hereby authorized and empowered to buy, or to build, erect and maintain said water works; and said mayor and general council is also hereby authorized and empowered to buy, to build, erect and maintain and operate said system of sewerage without holding a special election for the approval of the purchasing or building of said water works and said sewerage systems by the majority vote of the citizens of Mobile. No election

Sec. 5. Be it further enacted, That this act shall take effect and be in force on and after its passage. Approved November 30th, 1898.

No. 10)

AN ACT

(H. 28

To prohibit stock from running at large within certain limits in Lauderdale county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the lands lying within the follow-

Limits stock
not to run at
large in

Proviso

Authority to
take up
stock

Fees

Damage by
stock

Justice of
peace has ju-
risdiction

ing limits in Lauderdale county, Alabama, to wit: Beginning where the wire fence leaves the Tennessee river, about three hundred feet above Waterloo Landing, and running with said fence to a point on the road from Waterloo to said landing where the gate now stands, thence westwardly with said fence, along the Savannah road to the State line, thence southwardly to the Tennessee river, thence along the bank of said river in an eastwardly direction to the point of beginning, is hereby created and established as a district in which stock shall not be allowed to run at large at any time: Provided, a good and lawful fence is kept up around said lands, on all sides except that which is bounded by the river, and the junctions of said fence with said river shall be kept stock proof.

Sec. 2. Be it further enacted, That the owners of lands, or the persons cultivating the same, within said district, are authorized to take up any stock found running at large upon the same, which stock they shall keep confined until called for by the owners thereof, to whom the stock shall be delivered upon the payment to the owner or cultivator of said land of the following fees, to wit: For each horse, mule, or animal of like kind, thirty-five cents per day, and for all other kinds of stock, twenty-five cents per day, per head: Provided, the person taking up and holding such stock, shall not be entitled to such fees unless he shall feed and water and care for such stock in a just and fair way.

Sec. 3. Be it further enacted, That where damage has been done by stock running at large in said district, to crops, fruit trees, or other property, the owner of such crops, fruit trees, or other property shall have the right to sue the owner of such stock for such damage as he may have sustained, and he shall have a lien on such stock doing the damage, paramount to all other liens, for the amount of such damages, which lien may be enforced by the Courts as liens in other cases.

Sec. 4. Be it further enacted, That in all suits or actions under this act a justice of the peace of the precinct, or if there be no such justice in the precinct, a justice of an adjoining precinct shall have jurisdiction to try the same. Provided, the

party against whom any judgment is rendered, shall have the right of appeal to the next term of the Circuit Court of Lauderdale county. Appeal

Sec. 5. Be it further enacted, That any person owning lands within said limits may relieve himself from the operation of this law, by building around his own lands within said limits a good and lawful fence. Relief from operation of law

Sec. 6. Be it further enacted, That any person who shall wilfully drive any stock upon the lands above described, shall be guilty of a misdemeanor, and shall upon conviction be fined not less than ten dollars nor more than thirty dollars. Misdemeanor

Approved November 30th, 1898.

No. 11)

AN ACT

(H. 15

To better provide for the payment of State witnesses in the County of Escambia.

Section 1. Be it enacted by the General Assembly of Alabama, That the Commissioners' Court of Escambia county be and they are authorized and hereby directed to appropriate out of the general fund of the county, and out of any moneys not otherwise appropriated, for the year 1899, and each year thereafter, the sum of one thousand dollars for the payment of State witnesses attending the Criminal Courts and appearing before the grand jury of said county, as hereinafter provided. Fund to pay State witnesses

Sec. 2. Be it further enacted, That witnesses subpoenaed on behalf of the State to attend the Circuit or County Courts of said county in criminal cases, or to appear before the grand jury of said county, shall be entitled to fifty cents per day and three cents per mile to and from their residence by the usual traveled route, and all necessary ferriages and tolls, such compensation to be paid out of the appropriation made by the Court of County Commissioners, as provided in section one of this act, upon the certificate of the clerk, showing the amount of compensation to which the witness is entitled, which certificate shall be receivable in payment of county taxes and other county dues. Rates per day Receivable for taxes

Fees limited

Sec. 3. Be it further enacted, That a witness for the State attending in more cases than one at the same time in said county, shall only be entitled to fees in one case while so attending, but if his attendance is required in the other case or cases he shall be entitled for such attendance each day, to claim his per diem, but no mileage, and so on for each day until all the cases in which he is required to attend are disposed of by trial, continuance or otherwise.

Duties of
Court clerks

Sec. 4. Be it further enacted, That it shall be the duty of the clerks of such Courts to tax up the fees of State witnesses against the defendant, if he is convicted, or against the prosecutor, if the costs are imposed on him, and such fees when collected shall be paid by the clerk into the county treasury to reimburse the fund or appropriation from which the same was paid. And it shall be the duty of the county treasurer of said county to keep a separate account of the fees thus covered into the treasury and the fund appropriated under section one of this act, and he shall render to the Court of County Commissioners at their first meeting in each year, a statement of the fees so returned into the treasury, the amount paid out to State witnesses under the provisions of this act, and if there be any surplus remaining of such appropriation or the fees thus paid into the treasury after all the claims of State witnesses for the preceding year, as shown by the certificates issued by the clerk, have been met, the Court of County Commissioners shall order the same passed to the credit of the fine and forfeiture fund of said county.

Deficiency to
be paid

Sec. 5. Be it further enacted, That should the amount appropriated under section one of this act, together with the amount of costs collected from defendants on conviction and paid into the county treasury, as provided in section four of this act, be insufficient to pay all the claims of State witnesses for the year in which such claims accrue, the Court of County Commissioners are hereby directed to set aside a sum from the general fund of the county sufficient to pay such claims as the report of the treasurer may show to be still outstanding and unpaid.

Sec. 6. Be it further enacted, That the provisions of this act shall only apply to claims of State witnesses hereafter accruing.

Applies only
to

Approved December 1st, 1898.

No. 12)

AN ACT

(H. 36 .

To authorize the mayor and aldermen of the City of Huntsville to use and expend the unexpended balance of the proceeds of the sale of bonds issued under the authority conferred by the act of the General Assembly of Alabama, approved February 3d, 1897, entitled, "An act to authorize the mayor and aldermen of the City of Huntsville to issue bonds of said city, for an amount not exceeding forty thousand dollars, for the exclusive purpose of building and repairing and constructing sewers.

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and aldermen of the City of Huntsville be and they are hereby authorized to use and expend in repairing, improving, enlarging or adding to the water works property and plant of the City of Huntsville the whole or any part of any balance now remaining unexpended or that may hereafter remain unexpended, of the proceeds of the sale of bonds issued under the authority of the act of the General Assembly of Alabama, approved February 3d, 1897, and entitled, "An act to authorize the mayor and aldermen of the City of Huntsville to issue bonds of said city, for an amount not exceeding forty thousand dollars, for the exclusive purpose of building and repairing and constructing sewers."

Fund to use
for water
works.

Sec. 2. Be it further enacted, That the use, payment and application of said balance of said proceeds shall be under the direction of the mayor and aldermen of the City of Huntsville, and the said mayor and aldermen are hereby authorized to do and perform any and all things that may be necessary or expedient in exercising or carrying out the power and authority conferred by this act.

Under direc-
tion of

Duty of city
clerk

Sec. 3. Be it further enacted, That the city clerk of the City of Huntsville shall keep an account and record of the use or expenditure of any of said balance of the proceeds of the sale of said bonds in repairing, improving, enlarging or adding to the water works property, and plant of said city, and that a statement of the disbursement of any of said balance for the uses or purposes authorized by this act, shall be published by the mayor and aldermen of said city, with the annual financial report of said city, and that the city treasurer shall not be allowed any commission on disbursements from said funds under the authority of this act.

May replace
fund

Sec. 4. Be it further enacted, That the mayor and aldermen of the City of Huntsville be and they are hereby authorized to use any moneys or funds of the said city not otherwise appropriated to replace in the said fund for building and repairing and constructing sewers, the whole or any part of the amount of the balance of the proceeds of the sale of said bonds that may be used or expended under the authority conferred by this act.

Approved December 1st, 1898.

No. 14)

AN ACT

(H. 67

To repeal an act entitled "An act to regulate the trial of misdemeanors in the County of Tallapoosa, approved February 15th, 1897;" and to transfer certain cases from said County Court of Tallapoosa county to the Circuit Court of said county.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to regulate the trials of misdemeanors in the County of Tallapoosa, approved February 15th, 1897, be and the same is hereby repealed.

Cases pending

Sec. 2. Be it further enacted, That all cases pending in the County Court of Tallapoosa county under indictment by the grand jury, and transferred from the Circuit Court of Tallapoosa county to the said County Court, and are undisposed of in any par-

ticular, shall be and are hereby transferred from said County Court back to the said Circuit Court, and shall stand for trial or disposition of the case the same as if it had not been transferred from said Circuit Court to said County Court. And the said Circuit Court shall have full and complete jurisdiction of such case or cases to try or dispose of the same.

Sec. 3. Be it further enacted, That the clerk of the said Circuit Court is hereby required to enter such case or cases on the docket of said Circuit Court at the place and in the order in which they should come.

Duty of circuit clerk

Approved December 1st, 1898.

No. 15)

AN ACT

(H. 53

To authorize the Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Alabama to issue bonds for an amount not exceeding fifteen thousand dollars, and to mortgage its property to secure the same.

Section 1. Be it enacted by the General Assembly of Alabama, That the Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Alabama, be and is hereby authorized and empowered to issue negotiable coupon bonds, to an amount not exceeding fifteen thousand dollars (\$15,000.00), bearing interest at the rate of six per centum per annum, payable semi-annually; the said bonds to be of such denomination, not less than one hundred dollars (\$100.00), as said Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Alabama may, by resolution, determine. The said bonds shall run for twenty years from the date of issue, and the bonds and coupons thereto attached, shall be made payable at such bank, in the City of Montgomery, Alabama, as said Most Worshipful Grand Lodge, by resolution, may determine; said bonds shall not be sold for less than par, and the same, together with the mortgage hereinafter provided for, to secure them, shall be exempt from all taxes.

Bonds

Exempt from taxes

Mortgage

Sec. 2. Be it further enacted, That the Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Alabama be, and it is hereby authorized to execute a mortgage upon any or all of its property, to some person or persons selected by said Grand Lodge, as trustees, to secure the bonds and coupons provided for in section one of this act; said mortgage shall be executed in the name of the Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Alabama, by the grand master thereof, and attested by its grand secretary.

Signed by

Said bonds shall be signed by the grand master of said Grand Lodge and its grand secretary, as also said coupons, but the signatures to said coupons may be lithographed in lieu of signing.

Approved December 1st, 1898.

No. 16.

S. S.

AN ACT

To empower the Selma Bridge Company to sell to Dallas county, and Dallas county to purchase from said company, its bridge across the Alabama river at Selma, and the right of way, and other appurtenances thereto for use as a free county bridge.

Authority to sell bridge Section 1. Be it enacted by the General Assembly of Alabama, That the Selma Bridge Company are hereby empowered to sell to Dallas county, and said county, through the Court of County Revenues of Dallas county, is hereby empowered to purchase from said company, its bridge now across the Alabama river at Selma, together with the right of way and other appurtenances thereof, at such sum and on such terms as may have already been agreed upon, or may hereafter be agreed upon between said Dallas county, acting through said Court of County Revenues of Dallas county, and said company, by and with the consent of the holders of the larger part in value of the capital stock,

as heretofore expressed by vote in the meeting of the stockholders called for that purpose, or hereafter expressed by vote, in a meeting of the stockholders called for that purpose.

Sec. 3. Be it further enacted, That said bridge, when so purchased, shall be and remain the property of Dallas county, as a free public bridge, and shall be maintained at the cost of the county.

Free public
bridge

Approved December 1st, 1898.

No. 17)

AN ACT

(S. 12

To abolish the Court of County Commissioners of Lawrence county.

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners of Lawrence county, Alabama, be and the same is hereby abolished.

Court of
County Com-
missioners
abolished

Sec. 2. Be it further enacted, That all laws conferring powers and jurisdiction on Court of County Commissioners in the State, and prescribing the mode of proceeding therein be, and the same are hereby repealed, in so far as they apply to said County of Lawrence.

Laws
repealed

Approved December 1st, 1898.

No. 18

AN ACT

(S. 13

To establish a Court of County Revenues for Lawrence county, and to define its duties and powers.

Section 1. Be it enacted by the General Assembly of Alabama, That a Court of Record to be known as "The Court of the County Revenues of Lawrence County" be and the same is hereby established in the County of Lawrence, in this State, to be composed of the judge of probate as principal judge, and four commissioners, who shall be denominated Commissioners of Revenue for the County of Lawrence, which commissioners shall be appointed by

Court of
County Rev-
enues

Commissioners appointed by the governor the governor, immediately after the approval of this act, and shall hold their offices for four years from the time of their several appointments, and until their successors are duly appointed and qualified; said commissioners to be appointed one for each Commissioner's district, as heretofore laid off by the Commissioners' Court of Lawrence county, Alabama, and said commissioners shall take and subscribe to the oath required by law of the commissioners in the several counties of the State.

Presiding judge Sec. 2. Be it further enacted, That when the Court hereby established shall be in session, the probate judge shall be the presiding judge of the Court when he is present; and in his absence, the said commissioners, or a majority of them, shall elect one of their number to act as presiding judge, pro tempore, who shall thereafter, in the absence of the probate judge, be the presiding officer of said Court, and upon a tie vote the presiding judge shall give the casting vote, and a majority of the members of the Court shall be a quorum to do business.

Quorum
Powers Sec. 3. Be it further enacted, That the said Court hereby established shall have all the jurisdiction and all the powers which are now, or may hereafter be, by law vested in the Courts of County Commissioners in this State, and the several members of the Court hereby established shall respectively perform all the duties and services, and exercise all the powers which are or may be required by law of the several members of Courts of County Commissioners in this State.

Laws applying to Sec. 4. Be it further enacted, That all general laws hereafter enacted by the General Assembly of Alabama in relation to the jurisdiction, power, authority or duties of said Courts of County Commissioners in this State, shall apply to the Court of County Revenues hereby established, except so much of said general laws as may relate to the mode of selecting the members of said Courts of County Commissioners.

Per diem Sec. 5. Be it further enacted, That the judge of probate shall receive only three dollars per day and each of said commissioners only three dollars per day for each day they are actually engaged in the performance of their duties as members of the Court of said Court of Revenue.

Sec. 6. Be it further enacted, That the Court hereby established shall have the possession and control and custody of all papers, records and books pertaining to the Court of County Commissioners, or connected with its business. And all business which, before the establishment of said Court of County Revenues, was pending and undetermined in the Court of County Commissioners heretofore existing in said County of Lawrence, shall be heard and determined and disposed of by the Court of County Revenues hereby established.

Powers

Sec. 7. Be it further enacted, That said members of said Court of Revenue, except the judge of probate, shall discharge and perform in said County of Lawrence all the duties in relation to the selection and drawing of the grand and petit juries now required by law, or hereafter to be required to be performed by the members of the Commissioners Court or Board of Revenue in the different counties in this State.

Duties of
commission-
ers

Sec. 8. Be it further enacted, That it shall be the duty of said parties composing the jury commission to meet immediately after they are appointed and qualified to draw the grand and petit juries for the spring and fall terms of the Circuit Court of Lawrence county, Alabama, for the year 1899, and also draw the petit jury for the July term of the County Court of said county for the year 1899.

Drawing of
juries

Sec. 9. Be it further enacted, That the juries heretofore drawn by the commissioners of Lawrence county for the year 1899, except for the January term of the County Court, shall be held for naught, and it shall be the duty of the clerk of the Circuit Court of Lawrence county to destroy all lists left with him, except the jury drawn for the January term, 1899, of the County Court, immediately after the approval of this act.

Duty of cir-
cuit clerk

Sec. 10. Be it further enacted, That after the drawing of the juries for the year 1899, as provided for above, said parties composing said jury commission, as above set forth, must meet immediately after the business of the Commissioners Court is finished at the last term of each year for the purpose of drawing all the grand and petit juries for all the Courts of Lawrence county, Alabama.

Drawing
juries

Repeal

Sec. 11. Be it further enacted, That all laws and parts of laws, both in general and special, in conflict with this act, be and the same are hereby repealed.

Approved December 1st, 1898.

No. 19)

AN ACT

(S. 58

To establish stock law in Beats numbers 6, 7, 8, 9 and 12 in Coosa county.

Stock not to
run at large

Section 1. Be it enacted by the General Assembly of Alabama. That thirty days after the passage of this act, no stock shall be allowed to run at large in Beats numbers 6, 7, 8, 9 and 12 in Coosa county.

Owner liable
for damages

Sec. 2. Be it further enacted, That in said precincts in which stock are not allowed to run at large, the owner of such stock shall be liable to the party injured for the damages done by said stock to any land or any crops or other property in said precincts. The party injured shall have a lien superior to all other liens on the stock doing such damage for all damages done by such stock.

Complaint to
justice of
peace

Sec. 3. Be it further enacted, That whenever any damage has been done to any property in said precincts by stock running at large in violation of the provisions of this act, the party whose property has been damaged may, within ten days after such damage has been done, make complaint against the owner of such stock doing the damage to a justice of the peace of the precinct in which the damage was done; or, if there be no such justice of the peace of the precinct in which the damage was done, then to a justice of the peace of any adjoining precinct, describing in the complaint the property damaged and the stock doing the damage, and the amount of the damage, and of what it consists; and whenever such complaint is made to the justice of the peace he shall issue notice to the owners of such stock, commanding them to appear and answer such complaint on a day not less than three or more than ten days from issuance of such complaint. If the owner of such stock appears on the

Duties of jus-
tice of peace

day he is commanded to appear and answer such complaint, the justice of the peace shall try such cause and render such judgment therein as the justice and equity of the case demands. But, if the owner of the stock does not appear and answer, after having been notified, as provided above, the justice of the peace shall give judgment for the complainant for such damage as he may have sustained. If, upon the trial, judgment be rendered for the complainant, the justice of the peace shall also render judgment condemning the stock doing the damage to be sold for the satisfaction of such judgment and cost of the suit, together with the reasonable expenses of keeping of such stock, if the same shall have been taken up, which amount shall be determined by the justice of the peace trying the case, and shall constitute a part of his judgment in favor of the complainant, and he shall issue execution on such judgment, commanding any lawful officer of the county to levy upon and sell such stock, describing them in the execution, for the satisfaction of the judgment and cost. If the complainant fails to sustain his said claim for damages, the justice of the peace shall render judgment against him for the cost in the case.

Sec. 4. Be it further enacted, That either party shall have the right to appeal from the judgment of the justice of the peace to the next term of the Circuit Court of the county, within five days from the rendition of said judgment. Appeal

Sec. 5. Be it further enacted, That it shall be the duty of the complainant to demand of the owners of the stock injuring his property compensation for damage he has sustained from their depredation, and a reasonable amount for the expense of keeping them, if taken up before making complaint to the justice of the peace, and his complaint must allege that the demand was made and such compensation refused. If, upon the trial, it is shown that such demand was not made, or said owner of said stock tendered to complainant a full and just compensation for the damages he has sustained and the reasonable expense incurred in the keeping of the stock, if taken up, the suit shall be dismissed at the cost of the complainant. Damages

Misdemeanor

Sec. 6. Be it further enacted, That the owner or manager of any stock, who shall knowingly suffer such stock to run at large, in violation of the provisions of this act, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one nor more than fifty dollars. Justices of the peace shall have jurisdiction of offenses under this section. All prosecutions under this section must be commenced in twenty days after the commission of the offense, and the party injured by such stock shall alone have the right to institute such prosecutions.

Duty of party
taking up

Sec. 7. Be it further enacted, That it shall be the duty of the party taking up the stock to inform the owner of the stock without unnecessary delay thereof, and shall if such owner fails or refuses to pay for the damage done and a reasonable amount for the keeping of such stock, if taken up, deliver, if demanded, said stock to said owner, who shall keep said stock subject to said lien above created until the suit before the justice of the peace has been decided, or until the time for the commencement of said suit has expired; and, if said stock is condemned, it shall be the duty of the owner to surrender the same to the officer to satisfy the judgment. Any person having such stock in custody, who shall dispose of the same in violation of the provisions of this section, or shall refuse to deliver such stock to the officer, if the same is condemned, shall be guilty of a misdemeanor, and on conviction, before a justice of the peace, shall be fined not less than ten nor more than one hundred dollars.

Duty of
ownerWhen owner
unknown

Sec. 8. Be it further enacted, That any person taking up stock belonging to an unknown owner, after having made reasonable efforts to ascertain the ownership of said stock, shall report the same to the justice of the peace, fully describing in his complaint, claiming and setting forth damages he has sustained, and it shall be the duty of the said justice of the peace to cause notice to be posted in three public places near the lands of the complainant where the damage was done, fully describing the stock, and stating the day on which complaint will be heard, and shall proceed, in all respects, as if the owner was known.

Sec. 9. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same is hereby repealed. Repeal

Approved December 1st, 1898.

No. 20)

AN ACT

(S. 9

To give power and authority to the Court of County Revenues of Dallas county to make, issue, sell and dispose of the bonds of Dallas county for the raising of the money necessary to pay for a bridge over the Alabama river, at or near Selma, in Dallas county, Alabama, and to levy and collect the taxes necessary to pay the said bonds and the interest thereon.

Section 1. Be it enacted by the General Assembly of Alabama, That full power and authority are hereby given to the Court of County Revenues of Dallas county to make, issue, sell and dispose of the bonds of Dallas county, for a sum not to exceed sixty-five thousand dollars, for the purpose of raising the money necessary to pay for the bridge now over the Alabama river, at Selma, in Dallas county, Alabama, if the same shall be purchased for Dallas county by the said Court; or to pay for a bridge to be built by the said Court over the Alabama river, at or near Selma, in Dallas county, Alabama. Said bonds may be for the sums of one hundred dollars, and five hundred dollars, and one thousand dollars, at the discretion of the said Court; and said bonds shall be payable at the City National Bank of Selma, in Selma, Alabama, at such time or times as the said Court shall determine; but they shall be payable within twenty years from their date; and said bonds shall bear interest at a rate not to exceed five per cent per annum, payable semi-annually, at the City National Bank of Selma, in Selma, Alabama, and the money received for the said bonds shall be used for no other purpose than buying the bridge now over the Alabama river at Selma, Alabama, and its appurtenances, or building a bridge Bonds

over the Alabama river at or near Selma, Alabama.

Sealed bids

Sec. 2. Be it further enacted, That it shall be the duty of the Court of County Revenues of Dallas county to receive sealed bids for the bonds issued under this act from all persons and corporations who wish to bid for the same, and said Court shall give notice, by publication once a week for two successive weeks in one of the newspapers published in Selma, Alabama, and in such newspaper or newspapers published elsewhere as said Court shall determine, that on a day to be named in said notice the said Court will open all bids made for said bonds; and, on the day named, said bids shall be opened and considered by the said Court. If in the opinion of the said Court the bids made for said bonds are too low, said bids may be rejected; and other bids may be received, after notice given in the manner herein prescribed.

Price of

Sec. 3. Be it further enacted, That the bonds issued under this act shall be sold for cash, at not less than the face value of the said bonds; but said bonds shall be sold for the highest price that can be obtained for them at sales made in the manner stated in this act.

Taxes

Sec. 4. Be it further enacted, That full power and authority are hereby given to the Court of County Revenues of Dallas county, to provide the money necessary to pay the principal and interest on the bonds issued under this act, as the same shall become payable, by levying and collecting the taxes necessary for these purposes, from time to time, upon all the subjects of taxation in Dallas county, on which other taxes for county purposes are levied and collected; and the taxes levied and collected to pay the principal and interest on the bonds issued under this act, are to be additional to, and over and above the taxes levied from time to time for other county purposes; and it is hereby made the duty of the said Court to levy and collect the taxes necessary to pay the bonds issued under this act, and the interest thereon, as the same shall become payable; and the taxes levied under this act shall be assessed and collected as the other taxes for county purposes are levied and collected, and by the same officers, who shall receive the same

commissions for the same that they receive for assessing and collecting the other county taxes; and the tax collector shall be liable for the taxes collected under this act just as he is liable for other county taxes collected by him under the other laws of this State.

Sec. 5. Be it further enacted, That the money collected under this act shall be deposited to the credit of Dallas county in the same bank that the other money belonging to Dallas county is deposited, and shall be under the control of the Court of County Revenues of Dallas county, and it shall be the duty of the said Court from time to time to set apart money sufficient to pay the interest and the principal of the bonds issued under this act as the same shall become payable.

Deposit of
money

Approved December 1st, 1898.

No. 21)

AN ACT

(S. 3

To incorporate the Anniston College for young ladies, at Anniston, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, and it is hereby enacted by the same, That Archibald J. Battle, Ivy W. Duggan and Eleanor Churchhill Gibbs, and their successors in office be, and they are hereby constituted, created and declared a body politic, or corporation by the name and style of the Board of Trustees of Anniston College for Young Ladies, the same being located in Anniston, Calhoun county, Alabama; and that said trustees shall have the powers and privileges of similar educational corporations. That said board of trustees shall be, and they are hereby empowered to adopt such rules, regulations and by-laws, not contrary to the constitution and laws of Alabama, as may be necessary for the best government and proper regulation of said college; and they shall have power to elect, annually, a president and secretary of the board. That said board of trustees, or their successors, shall appoint the professors, teachers and other officers; and these shall con-

Incorporators

Name and
style

Powers

stitute the faculty of the college. That said body corporate, or a majority of its members, shall be authorized and empowered to grant diplomas, confer degrees, certificates, or other evidences of scholarship, and they may grant such powers or authority to the president and faculty of said college. That said board of trustees, by a majority vote may fill any vacancy occurring by death, resignation or otherwise.

Approved December 2d, 1898.

No. 22) AN ACT (S. 62

To require the publication of financial statements of the treasurer of Selma.

Quarterly statement of Alabama, That the treasurer of Selma shall hereafter, on the first day of January, April, July and October, quarterly, publish in some daily paper, published in the City of Selma, a full, complete and itemized statement of the status and condition of the financial affairs of said city; said statements to show the city's receipts and on what account, as well as each item of disbursement and to whom, and for what purpose disbursed or paid. The cost of said printing shall not exceed one dollar (\$1.00) per inch for each insertion set in nonpareil type.

Cost of printing of said printing shall not exceed one dollar (\$1.00) per inch for each insertion set in nonpareil type.

Penalty Sec. 2. Be it further enacted, That for each failure to comply with the above provisions, the said treasurer shall forfeit to said city the sum of ten dollars (\$10.00), to be deducted from his salary.

Approved December 2d, 1898.

No. 23) AN ACT (S. 21

To confer additional jurisdiction upon the County Court of Lowndes county, and to regulate the proceedings therein.

All misdemeanors. Section 1. Be it enacted by the General Assembly of Alabama, That the County Court of Lowndes

county shall have jurisdiction of all misdemeanors committed in said county.

Sec. 2. Be it further enacted, That at the next August term, 1899, of the Circuit Court of said county it shall be the duty of the presiding judge thereof, upon the day of adjournment of said Court, to make an order upon the minutes of said Court, directing and requiring the clerk of said Circuit Court to deliver to the judge of said County Court all indictments then pending and untried in said Circuit Court against persons charged with the commission of misdemeanors, together with all papers, and a certified copy of all docket entries and minutes of proceedings had therein, in said Circuit Court; and upon the transfer and delivery of the same, the jurisdiction of said Circuit Court shall cease, and exclusive jurisdiction thereof shall vest in said County Court.

Duty of Circuit Judge

Sec. 3. Be it further enacted, That prosecutions may be instituted or commenced in said Court as is now provided by law in County Courts, to be thereafter subject to the provisions of this act.

Prosecutions

Sec. 4. Be it further enacted, That all indictments for misdemeanors that may hereafter be preferred by the grand juries of said county, must be returned by the clerk of said Circuit Court to the judge of the said County Court, and filed in said County Court; and all proceedings had in such causes as is now had in the Circuit Court, except as may be hereinafter provided.

Indictments returned to County Court

Sec. 5. Be it further enacted, That said County Court shall conform to the practice and rules of procedure of the Circuit Courts of this State.

Procedure

Sec. 6. Be it further enacted, That said County Court shall be held, and the office of the clerk thereof shall be kept, at the courthouse of said County of Lowndes; such Court shall hold regular terms on the fourth Monday of each month, and may continue in session until the business of said Court is disposed of; the regular terms in May and November in each year shall be the terms for the trial of causes in which juries have been demanded.

Where court to be held

Monthly terms

Sec. 7. Be it further enacted, That the clerk of the Circuit Court shall be ex-officio clerk of the said County Court.

Clerk

When trial by
Jury

Sec. 8. Be it further enacted, That every person charged, either by complaint or indictment, with the commission of a misdemeanor, shall be entitled to a trial by jury: Provided, such person makes a demand therefor before the third day of the next regular term of said County Court after he is arrested or taken into custody; and provided further, that any person so arrested or taken into custody within three days of the next regular term of said County Court shall have until the cause is called for trial to demand a jury trial.

Jury trials

Sec. 9. Be it further enacted, That whenever a jury trial is demanded, as provided in section 8, the judge of said Court must make an order continuing the cause to the next jury term of said Court, and make an order requiring the defendant, or defendants, to give bail for the appearance at such jury term; and from term to term thereafter, until discharged by law, and may bind over witnesses to appear at such term to which said cause is continued, and from term to term thereafter until such cause is disposed of.

Bail

Petit jurors

Sec. 10. Be it further enacted, That the petit jurors for each jury term of said County Court shall be drawn and impaneled in the same manner as is now or may be hereafter provided by law for petit jurors in the Circuit Court of Lowndes county, and venires for such jurors shall be issued and executed in the same manner as for said Circuit Court, and said County Court shall have the same powers to issue special venires and to call in tales jurors as the Circuit Court now has, or may hereafter have, except so far as is altered by this act; and, provided that the jurors impaneled at each jury term shall serve for the whole term unless excused by the Court.

Laws apply-
ing to said
Court

Sec. 11. Be it further enacted, That all laws of a general nature now in force, or that may be hereafter enacted, so far as the same apply to misdemeanors, unless the contrary be expressly provided, or as may be limited by this act, shall be held to apply and extend to said County Court.

Adjourn-
ments

Sec. 12. Be it further enacted, That there may be such temporary adjournments of said Court as may be deemed expedient and proper by the judge thereof.

Sec. 13. Be it further enacted, That if the judge of said County Court fails to open said Court on the first day of any regular term, that the sheriff must adjourn the Court from day to day for not more than three days, after which time, if the judge still fails to attend, the Court will stand adjourned until the next regular term.

If Judge fails
to open

Sec. 14. Be it further enacted, That the judge may call a special jury term whenever he deems it necessary; twenty days notice of such term must be given by publication in some newspaper published in said county.

Special jury
terms

Sec. 15. Be it further enacted, That all appeals from said County Court shall be to the Supreme Court of the State of Alabama, and that the law now in force or that may be hereafter enacted governing or applying to misdemeanors from the Circuit Courts of the State, shall apply to appeals from said County Court.

Appeals

Sec. 16. Be it further enacted, That the prosecuting officer of said Court shall be appointed by the solicitor of the Second Judicial Circuit, and that all laws applying to the duties of deputy solicitors shall apply to said prosecuting officer of said County Court.

Prosecuting
officer

Sec. 17. Be it further enacted, That the fees of the clerk of said County Court shall be the same as is now or as may hereafter be allowed to clerks of the Circuit Courts; that the fees of the sheriff shall be the same as is now or may hereafter allowed in the Circuit Courts; that the jurors and witnesses fees shall be the same as is now or may hereafter be allowed in Circuit Courts of the State; that the judge of said Court shall receive the same compensation as is now provided for the judge of the County Court of Lowndes county; that the fees of said prosecuting officer in said Court shall be as follows: For each conviction obtained by him in said County Court, the same fee as is now allowed or as may be hereafter allowed by law to the Circuit solicitors for like convictions, which fees shall be paid in like manner as fees of deputy solicitors are now paid: Provided, that the fees so received by said prosecuting officer shall not exceed the sum of \$1,000.00 per annum.

Fees

Repeal

Section 18. Be it further enacted, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved December 2d, 1898.

No. 24)

AN ACT

(H. 29

To make the fees of bonded constables in the counties of Lauderdale, Colbert, Chilton, Tuscaloosa, Greene and Hale the same as sheriff's fees when they perform the same or similar services.

Fees same as
Sheriff's

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act the fees of bonded constables in the counties of Lauderdale, Colbert, Chilton, Tuscaloosa, Greene and Hale shall be the same as sheriff's fees when performing the same or like services: Provided, that in civil causes, in which the amount in controversy is less than twenty dollars, the constables shall not receive for their services therein greater fees than are now allowed them by section 1380 of the Code.

Proviso

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved December 2d, 1898.

No. 25)

AN ACT

(S. 61

To amend an act entitled "An act to further regulate the affairs of Dallas county."

Quarterly
statements

Section 1. Be it enacted by the General Assembly of Alabama, That section four of an act, entitled "An act to further regulate the affairs of Dallas county," approved February 2d, 1897, be and the same is hereby amended to read as follows:

Cost of print-
ing

"Sec. 4. Be it further enacted, That the Board of Revenue of Dallas county shall hereafter on the first days of January, April, July and October,

quarterly, publish in some daily paper, published in the City of Selma, a full, complete and itemized statement of the status and condition of the financial affairs of said county; said statements to show amount of receipts and on what account, as well as each item of disbursement, and to whom, and for what purpose disbursed or paid. The costs of said printing shall not exceed one dollar (\$1.00) per inch for each insertion set in nonpareil type.

Approved December 5th, 1898.

No. 26)

AN ACT

(H. 22

To authorize Jackson county to build Macadamized roads and bridges, and to issue bonds of the county to aid in the construction and building thereof.

Section 1. Be it enacted by the General Assembly of Alabama, That Jackson county, by and through a road commission consisting of five persons, to be appointed by the governor, is hereby authorized to build and construct the following system of Macadamized roads, to be in extent about two hundred and fifty miles, and to build bridges.

One road running from, at, or near Paint Rock Station, as near as practicable parallel with the Memphis and Charleston railroad, to Stevenson, thence to within one mile of the line of the State of Tennessee, passing by, or near, the mouth of McMahan, Kings and Dorons coves, to be known as the Central road of Jackson county. One running from Central road, at or near Paint Rock Station, up the valley of Paint Rock to Larkin's Fork, and thence five miles up said fork, and from said fork to Milan. One running in a southerly direction from the town of Woodville to Marshall county line, and three miles additional, leading out from said town of Woodville in such direction as said commission may deem best. One leading out of Smith's Chapel community by the way of Wood's cove to Scottsboro, or in such direction or to such point as the commission may see fit and

Road Commission

Appointed by the governor

Central road

Paint Rock to Milan

Woodville to Marshall County

Smith's Chapel to Scottsboro

proper. Five miles of road leading from the town of Lim Rock in such direction or to such point as the commission may see proper, and may be made into two roads as seems best in the discretion of the commission. Three and one-half miles, commencing at a point on the central road, not more than two miles east from the town of Larkinsville, leading in the direction of Smith's chapel. One running from Central road, near Larkinsville, three and one-half miles up Boxes' cove. One running from Scottsboro, in a southerly direction by the way of what is known as the Ashmore place, to the Marshall county line. One running from the Ashmore place to Larkin's Landing, on the Tennessee river. One running from Scottsboro to some near point or landing on the Tennessee river, opposite some road mentioned, south of said river. One road running from a point not more than two miles east of Scottsboro, on the Central, not more than twelve miles into Tupelo, and Maynard's cove. One commencing at Central road, near Hollywood, leading in the direction of Greasy cove, to be in extent not more than eight miles. One running from Facklor into Kyle's Spring community, not more than nine miles. One from some point near Hollywood, on the Central, to Sublett's Landing, on the Tennessee river. One from Facklor to some near point on the Tennessee river. One running from Stevenson to some point near Anderson, Tennessee, by the way of Bass Station. One running from Burche's bridge, near Stevenson, up Big Coon creek, not more than nine miles. One running from some point on the Big Coon road, leading up Little Coon, not more than six miles. One from Stevenson to Caperton's Ferry on the Tennessee river. One from Bridgeport to the line of the State of Tennessee, or such point as commission may deem proper. One running from Carpenter Station to the most practicable point at top of Sand mountain. One from Carpenter Station to Reese's Landing, near the point of Long Island. One leading from mouth of Island Creek, three and one-half miles up said creek, in Gross' Spring community. One running from Sublett's Ferry to top of Sand mountain. One running from top of Sand mountain down the McGuynn Gap, to the McGuynn

From Limrock
From Central road to Smith's Chapel
From Central up Boxes Cove
Scottsboro to Marshall County
Ashmore place to Larkins Landing
Scottsboro to Tennessee River
From Central road to Tupelo, etc
From Central road to Greasy Cove
Facklor to Kyle Springs
Near Hollywood to Sublett's Landing
Facklor to Tennessee River
Stevenson to Anderson
Burche's up Big Coon cr'k
From Big Coon up Little Coon
Stevenson to Capertons
Bridgeport to Tenn. line.
CarpenterSta. to top Sand Mountain
CarpenterSta. to Reese's Island Creek
to Gross' Sublett's to top Sand Mt.
Top Sand Mt. to McG.ferry

Ferry, on Tennessee river. One running from top of Sand mountain down the Gossett Gap, to some landing, the nearest route to Scottsboro. One running from top of Sand mountain down the Langston Gap, to the town of Langston. One running from the Brown Ford, on South Santa creek, by the way of Langston to Larkin's Landing. One running from the Central road, commencing about two miles east of Scottsboro, and running to McGuynn's Ferry. One running from Bridgeport to Island Creek landing, on the Tennessee river. One road leading from Caperton's Ferry to the top of Sand mountain at Caperton's Gap.

Top Sand Mt.
to landing
nearest
Scottsboro
Top Sand Mt.
to Langston
Brown's ford
to Larkin's
Central road
to McGwynn's.
Bridgeport to
Island Creek
Landing
Caperton's
ferry to Caperton's gap

Sec. 2. Be it further enacted, That said roads shall be built and beds located in the communities as directed in this act, and the commissioners are required to locate the road-beds on the most suitable ground, and run in the most practicable direction route, and said commissioners shall have the right to enter, locate, and build, or cause to be built, on or through the premises of any person, condemning for the use of the county, paying therefor a reasonable compensation by agreement with owners, and when the commissioners and parties cannot agree, the same proceedings may be had as is now provided by law, when the line of a public road is altered or changed, or lands condemned to public use.

Where located

Sec. 3. Be it further enacted, That said commission shall have the right to take and use in the construction and building, or cause to be taken, such quantities of stone, gravel or other material adjacent or contiguous thereto, as may be necessary, paying such reasonable compensation for the material as may be just and proper; and when said commissioners and owners of said material cannot agree upon the amount of the compensation, the same is to be fixed in the same manner as is now provided by law for the valuation of lands condemned to public use in opening and changing or altering old roads.

Material for building

Sec. 4. Be it further enacted, That said road commissioners shall have the right to fix the width, amount of gravel or stone or grade on any par-

Rights of commission

ticular road: Provided, said roads shall be laid out at least twenty-five feet wide, ten feet of which shall be bedded with stone or gravel, and the grade not more than one foot in ten; provided further, may use their discretion as to grading of mountain gaps or roads up mountains.

Duties of
commissioner

Sec. 5. Be it further enacted, That said road commissioners shall qualify and proceed to their duties within fifteen days after their appointment. First to survey and lay off the roads, and for this purpose they may employ an engineer or surveyor and such other needful help as they may deem proper, to be paid for out of the fund arising out of the provision hereinafter provided for.

Let to lowest
bidder

Sec. 6. Be it further enacted, That immediately after the completion of the location and surveying of said roads, the commissioners shall offer the whole of said roads to the lowest responsible bidder living within the County of Jackson, so many miles of road, not less than one or more than thirty miles to be built by any one contractor, who shall be required to give a good and sufficient bond, payable to (Jackson county) in double the sum of such bid, for the faithful performance of his said contract, and to be approved by commission; said commissioners are required to give notice by posting notice in every precinct in said county and by advertising in some newspaper for sixty days, that the contracts are to be made for having said roads built, with a description of each mile or miles to be built, and if, after said time, any portion of said roads has not been bid for, the commissioners may proceed to have built such portion and in such manner as in their judgment seems best and proper, and if any bidder whose offer to build any part of said road is, in the judgment of said commissioners, wholly unreasonable and too high, they may reject said bid and proceed to build said road as they may deem proper, contracting with persons from any place out of the county, or by constructing, according to their best judgment: Provided, said commissioners shall at all events construct the said roads and complete the same within fourteen months from date of failure to accept the said bids or failure to have

bidders; and no commissioner under provisions of this act shall become a contractor to construct any part of said roads.

Sec. 7. Be it further enacted, That all contractors, within twenty days after acceptance of their respective contracts, shall proceed to said fulfilment thereof, and shall be required to perform the same to completion within ten months from date of contract: Provided, the commissioners may in their discretion, extend the time of fulfilment two months to any and all contractors.

Time to perform contract

Sec. 8. Be it further enacted, That said commissioners appointed under this act, shall be entitled to compensation as follows: One shall be known as president, and receive per diem three dollars; the other four, two and one-half dollars for time actually engaged in their said work in whatsoever manner, and the president shall become custodian of the moneys arising as provided for hereinafter in this act, and shall pay any and all contracts made by said board, and for all money coming into his hands shall receive $\frac{1}{2}$ of one per cent for handling same, and the said president shall be required to give a good and sufficient bond in the sum of twenty-five thousand dollars, said bond to be conditioned as bonds of county treasurers are now provided by law with respect to money coming into his possession, and said president and other members of said board shall execute a bond, payable to Jackson county in the sum of one thousand dollars for the faithful performance of their duty. Said bonds mentioned in this section shall be approved by the judge of probate of said county; provided, further, said commissioners shall receive their compensation out of the money arising under the provisions of this act, and said president of said board of commissioners shall keep a record of all money coming into his hands, showing the amount paid to the commissioners and the amount retained himself, and all moneys disbursed by him, and shall show all the business directed under the provisions of this act, and said record shall be kept in the office of the judge of probate.

Pay of commissioners

Duties of President

Bonds

Record to be kept

Sec. 9. Be it further enacted, That the said road commissioners shall be appointed by the governor

When ap-
pointed
Vacancies

Duties

within thirty days after the passage of this act, who shall be resident citizens of Jackson county. Vacancies shall be filled in like manner; provided, further, one of said commissioners shall be designated as president, and it shall be the duty of the president of the board of road commissioners for the County of Jackson to call a meeting of said board at least once in three months, for the purpose of transacting such business as may come before said board necessary to the faithful discharge of their duties in carrying out the intention of said bill; the president, by and with the consent of a majority of said board, shall appoint a suitable agent to negotiate a sale of the bonds provided for in the body of said bill, and the president and members of said board shall make a full report to the Court of County Commissioners once a quarter, and shall settle with said Court of County Commissioners once every six months, until said board of road commissioners have completed the work for which said board was constituted.

Bridges

Sec. 10. Be it further enacted, That said road commissioners shall cause to be built all necessary bridges along the route of any and all roads mentioned in this act, with the contractors building said roads or by separate contract with any person, to be paid for out of funds arising under the provisions of this act.

Discretion

Sec. 11. Be it further enacted, That said road commissioners may, within their discretion, build and construct such number of miles of road, and at such places as they may see fit and proper, and to be done by contract, or as in their judgment they deem best, to be paid for out of the funds herein after provided for, but not until the full completion of the roads mentioned in this act.

Bonds

Sec. 12. Be it further enacted, That the Court of County Commissioners of Jackson county is hereby authorized, empowered and required to issue bonds of said county to the amount of two hundred and fifty thousand dollars to provide for the payment of the construction and the building of said Macadamized roads and the building of bridges. Said bonds to be five hundred in number and for five hundred dollars each, the interest to be not

more than five and one-half per cent per annum, payable semi-annually, and evidenced by coupons attached to the bonds. Said bonds and coupons to be made negotiable and payable at some designated banking house in the town of Scottsboro, Huntsville, Alabama, or in the City of New York, State of New York. Said bonds shall be sold and negotiated to the highest bidder, the minimum price being their face value.

Sec. 13. Be it further enacted, That said bonds shall be numbered from one to five hundred, consecutively; to be made payable at the expiration of thirty years from this date, or at the pleasure of the said County of Jackson, at any time after twenty years from their date; each bond to be signed and sealed by the judge of probate Court of Jackson county, and countersigned by the treasurer of said County of Jackson. The coupons attached to each bear the number of the bond to which they are attached, and payable at the place designated for the payment of said bonds in the body thereof.

When payable

To be signed and sealed

Coupons

Sec. 14. Be it further enacted, That said bonds shall only be issued and sold from time to time as the demands for the payment of the construction and building of said roads and bridges may require; provided, further, no greater sum of money than twenty-five thousand dollars arising from the sale of said bonds shall be by the Commissioners Court placed in the hands of the said custodian of the funds arising from this act.

Where to be sold

Proviso

Sec. 15. Be it further enacted, That said Court of County Commissioners for the first twenty years after the date of said bonds, shall annually, out of the revenue of said county, set apart a sufficient amount to pay the annual interest and semi-annual interest of said bonds as the same falls due and payable, and they are further directed, at the expiration of twenty years from the date of said bonds, annually thereafter, to set apart and apply the moneys so collected to the extent of not less than one-sixth part thereof to the payment, first of the said interest, and the surplus of said one-sixth to the payment and retiring of said bonds.

Payment of interest, etc

Sec. 16. Be it further enacted, That the said Court of County Commissioners are authorized to

Purchase of bonds

apply any surplus that may accumulate in the treasury before said bonds mature, to the purchase of said bonds or any part of them in open market, and retire them.

Exempt from
taxation

Sec. 17. Be it further enacted, That the bonds issued under the provisions of this act shall be exempt from taxation by the County of Jackson and the municipalities thereof.

Approved December 7th, 1898.

No. 27)

AN ACT

(H. 71

To amend Sections 3, 11, 16 and 17 of an act entitled "An act to establish a new charter for the town of Piedmont, Alabama," approved February 2d, 1891, and to authorize the City of Piedmont to purchase, construct and operate water works and electric light plants, and fixing a time for filing claims against said city.

Sec. 3 of
Charter
amended

Section 1. Be it enacted by the General Assembly of Alabama, That section 3, of an act entitled "An act to establish a new charter for the town of Piedmont, Alabama," approved February 2d, 1891, be amended to read as follows:

Election of
Mayor and
Council-
men

"Sec. 3. That the government of the City of Piedmont and its corporate powers shall be exercised by a mayor and six councilmen, who shall be elected biennially, on the first Monday in April, by ballot, by the male inhabitants of said city entitled to register and vote under the laws of this State, and who have resided therein for thirty days next preceding such election; the next election to be held on the first Monday in April, 1899. That before the first election held under this act, and every two years thereafter, the mayor and councilmen shall provide a polling place in said city, and shall appoint three managers of such election, who shall be residents of said city, one of whom shall be designated as chairman. It shall be the duty of the mayor to give notice of such elections, and of the time and place and the names of the managers appointed to hold the same, at least

Duties of
Mayor

ten days prior to the day of election, by advertisement in a newspaper, or by posting notices in three public places in said city. The polls on election day shall be opened at nine o'clock in the morning and closed at four o'clock in the evening, and the election be conducted according to the laws of the State except as herein changed. As soon as the polls are closed the vote shall be counted by the managers, who shall certify the result at such election, and in case any two persons offering for the same office shall receive an equal number of votes, the manager designated as chairman shall give the casting vote, and shall give the persons elected a certificate of election. The persons so elected shall, before entering upon the discharge of their duties, take and subscribe the following oath, to wit:

"I _____, mayor (or councilman), do solemnly swear that I will to the best of my ability, discharge all the duties incumbent on me, without favor or affection, so help me God;" which oath shall be administered by a justice of the peace, and a certificate of it filed with the records of the city. The mayor and councilmen shall continue in office two years from the date of their election and until their successors are qualified, unless removed, as hereinafter provided. If from any cause the election is not held on the first Monday of April, the mayor shall, as soon as practicable, appoint a day for holding such election, of which he shall give notice as herein prescribed, and cause such election to be held on such day appointed, in every respect as herein prescribed."

Duties of
Managers

In case of tie

Oath

Term

Sec. 2. Be it further enacted, That section 11 of said act entitled "An act to establish a new charter for the town of Piedmont, Alabama," approved February 2d, 1891, be amended to read as follows:

Sec. 11
amended

"Sec. 11. That the mayor and councilmen shall have power to elect a clerk, treasurer, assessor and collector of taxes, marshal, policeman and such other officers and agents as may be necessary and proper to execute the powers conferred on the corporation, or as may be deemed proper for the good government and welfare of the city; to prescribe their duties, liabilities and powers; to require of them bonds with such security and in such amounts

Officers elect-
ed by Coun-
cil

as may be deemed expedient for the faithful discharge of their duties; to regulate and control them in the exercise of their respective duties; to remove or discharge at any time all or any of such officers or agents, a majority of the councilmen concurring in such removal; and to fix and regulate from time to time the compensation of such officers and agents of the corporation. Such officers and agents of the corporation shall continue in office, unless removed, until the next election for mayor and councilmen, and until their successors are qualified. All such officers as are or shall be required to give bond shall do so before entering upon the performance of their duties."

Sec. 16
amended

Sec. 3. Be it further enacted, That section 16 of said act, entitled "An act to establish a new charter for the town of Piedmont, Alabama," approved February 2d, 1891, be amended to read as follows:

Taxes

"Sec. 16. That the said tax on real and personal estate shall not in any one year exceed one-half of one per cent on the value of such property as assessed for State taxation during the previous year, and shall be assessed in accordance with such rules and regulations as the mayor and councilmen may prescribe. That from and after the first day of January of each year, the City of Piedmont shall have a lien prior to all other liens, except the lien of the State and county, for taxes, upon each and every piece or parcel of property, real or personal, subject to taxation in said city, for the payment of taxes which may be assessed against the owner, or upon said property during the year for the use of the city, which lien on personal property shall be enforced in such manner and form as the mayor and councilmen by ordinance may prescribe; and if any property has heretofore escaped taxation, or may hereafter escape taxation, by reason of a failure to be assessed, or by reason of any defective assessment, or for any other reason, the same may be assessed for such escaped taxes, and such taxes collected in such manner as annual taxes are collected, and the City of Piedmont shall have the same lien for such escaped taxes as are provided for annual taxes: Provided, however, that no claim for escaped taxes shall extend back for a

period of more than five years. It shall be the duty of the tax assessor elected by the mayor and councilmen, before the first day of April, each year, to assess for taxes all property within the corporate limits of said city subject to taxation under the laws of the State, such assessment specifying the property so assessed, with the name of the owner, or to owner unknown, if the owner is not known, and the value of each lot or parcel of such property, which assessment shall be returned to the mayor and councilmen, and the mayor shall cause at least ten days notice to be given by publication in a newspaper, or by posting notices in three public places in said city, that said assessment has been made, and a time when the mayor and councilmen will hear and determine all complaints which may be made against such assessment; and it shall be the duty of the mayor and councilmen to review, equalize, correct errors and supply omissions in said assessment, and when the same has been passed upon by them, they shall levy a tax thereupon, and such levy shall have the force and effect of a judgment and execution, and taxes on personal property may be collected by levy and sale of such property, upon such notice as is required by law for sales under executions issued by a justice of the peace.

Duties of tax
assessor

Duty of
Mayor

Duties of
Mayor and
Council

Sec. 4. Be it further enacted, That section 17 of said act, entitled "An act to establish a new charter for the town of Piedmont, Alabama," approved February 2d, 1891, be amended to read as follows:

Sec. 17
amended

"Sec. 17. That the taxes on real and personal property in said city shall be due on the first day of October of each year, and shall become delinquent on the first day of December following, and shall be collected as prescribed by ordinance. It shall be the duty of the tax collector elected by the mayor and councilmen to file with the mayor a list of the property on which taxes are due and unpaid, on or by the first day of January of each year, describing the same, with the name of the owner thereof, or to owner unknown when the owner is not known, and state the amount of taxes due on each lot or parcel of property. It shall be the duty of the mayor to keep a book in which he

When taxes
due

Duties of tax
collector

Duty of
Mayor

Duty of

Mayor

shall enter or cause to be entered, the property so reported to him as delinquent, docketing a case against each owner separately, as follows: The City of Piedmont vs. (describing property) and against such entry note the name of the ownership of said property as assessed, and the amount of the taxes and costs due on the same. The mayor shall then cause a notice to be served on the owner of such property, if a citizen of Piedmont, or upon the agent of non-residents, if such agent be known, stating that proceedings are pending before the mayor to have said lands sold for taxes; if the owner be unknown, or not a citizen of Piedmont, and has no known agent therein, said notice shall be given by publication in some newspaper published in Calhoun county, Alabama, once a week for three successive weeks. The notice prescribed herein shall be served by the city marshal, or some person designated by the mayor for that purpose, whose return of service shall have the same force and effect as the return of a sheriff on process from the Circuit Court. If the taxes remain unpaid for fifteen days from the service of such notice, on the last insertion of such publication the mayor shall, unless good cause be shown to the contrary, enter a judgment against such property for the amount of the taxes, interest from the first day of October preceding, fees and costs due on said property for the non-payment of the same, which judgment shall be sufficient if entered on the docket in substance as follows: Due notice having been given and no cause being shown to the contrary, it is adjudged and decreed that the property described in this cause be sold for the non-payment of the taxes, interest, fees and costs due thereon, to wit, _____ dollars. From such judgment an appeal may be taken to the Circuit Court, or Court having like jurisdiction, within thirty days from the rendition thereof by any person interested in such property, upon the party giving bond in a sum equal to double the amount of the judgment, with sufficient sureties, to be approved by the mayor, with condition that he will prosecute said appeal to effect, and to pay such judgment as the Circuit Court may render in the premises, and all costs and damages the City of

Appeal

Piedmont may sustain by reason of his failing in said appeal. Such appeal must be tried de novo, in the same manner as appeals taken from a judgment of a justice of the peace, and if the issue is decided against the appellant, the Court must render judgment against him and his sureties on the appeal bonds in favor of the City of Piedmont for the amount of the taxes, interest, fees and costs, besides the costs of the appeal; and such judgment shall be a lien upon the lands described in the decree from which the appeal was taken. Upon the city obtaining judgment in any of said causes, the city tax collector shall advertise the property decreed to be sold for three weeks, once a week, in some newspaper published in Calhoun county, Alabama, stating a description of said property, the amount of the judgment against the same, the owner thereof as shown on the mayor's docket, and the time and place of sale, and at the time and place mentioned, and within the legal hours of sale, he shall offer for sale the said property, to the highest bidder for cash, and may continue such sale from day to day, or adjourn the sale of any property for want of bidders, or for any other good cause, from time to time, not longer than ten days at any one time, and may give notice of such adjournment by a foot note to the original advertisement. The City of Piedmont may purchase at any sale any piece of property for which there is no bidder greater than the amount of said judgment and costs, or may withdraw from sale any piece for which there is no bidder exceeding said amount. When any piece of property so offered for sale is bid off by any person, the city tax collector shall give to such person a certificate stating the fact of his purchase and the price, the amount of the judgment and the nature thereof, which certificate shall be transferable by indorsement, and if said property is not redeemed within two years from the date of sale, then the city tax collector shall execute a deed to the holders of the certificate, when requested to do so, conveying the property sold, which deed shall be acknowledged by said tax collector before any officer authorized to take and certify acknowledgments, and when so executed, shall

Appeal

Duty of tax collector

Tax sale

Tax deed

convey to and vest in the grantee all the right, title, interest and estate of the person whose duty it was to pay the taxes on such real property, and shall be prima facie evidence in any Court in this State that all the requisites of a legal sale under this act have been complied with. If for any cause a sale for taxes under this act shall prove ineffectual to pass the title to the purchaser at said sale, or his assigns or grantees, then the holder of said certificate, or said deed, as the case may be, shall have the lien of the City of Piedmont on the land so sold for the amount of the taxes, interest, costs and fees for which said lands may have been sold, and shall also have a lien on said land for all taxes paid thereon by the holder of said certificate or deed, after the time of said sale, and such lien may be enforced by new proceedings before the mayor in the name of the City of Piedmont upon indemnity being given for the costs of such proceedings. The owner or mortgagee of any interest in said property may at any time before the execution of said deed by the tax collector, as above provided, redeem any property so sold by paying to said collector the amount for which said property was sold, with ten per centum damages thereon, and interest on the amount at the rate of eight per cent per annum; the said collector shall give the person redeeming a certificate of such redemption, which if held by any person in interest other than the original owner, shall be a lien on said land for the amount paid to redeem the same, and any subsequent taxes paid by such party redeeming, and the tax collector shall pay over the redemption money to the holder of the certificate of purchase upon the same being presented to him. The mayor shall tax as costs against the property ordered to be sold by him, fees for docketing and giving notice, and for trial and rendering judgment, and for making certificate of purchase, and executing a deed, as may be prescribed by ordinance, not exceeding five dollars in any one case. The certificate of purchase given under the provisions of this act shall authorize the purchaser, or his assigns, to maintain an action of ejectment or unlawful detainer, for the recovery of the lands purchased at said sale, and he

Right to
redeem

Costs

Possession

shall be entitled to hold possession thereof on a recovery, subject to the right of redemption herein provided for. If the former owner of said land is an infant, or person non compos mentis, he shall be allowed two years after the removal of such disabilities in which to redeem.

Section 5. Be it further enacted, That in addition to the powers granted and specifically set out in section 13 of an act entitled "An act to establish a new charter for the town of Piedmont, Alabama," approved February 2d, 1891, the said City of Piedmont shall have the power to purchase, or construct, and operate water works and electric light plant for the use of the city, and to supply its inhabitants with water and electric lights, and may devote to the payment of the purchase, or construction, said water works and electric light plants, the proceeds of the sale of the bonds of said City of Piedmont, authorized to be issued under the provisions of sub-division 26 of section 13 of said act, as amended by an act, entitled "An act to amend sub-division 26 of section 13 of an act to establish new charter for the town of Piedmont," approved February 21, 1893: Provided, however, that not more than twenty-five thousand dollars of the proceeds of the sales of said bonds shall be used for such purpose.

Section 6. Be it further enacted, That all accounts or claims against the City of Piedmont shall be presented to the city clerk for payment within one year from the accrual of such claim, or shall be forever barred; except claims for damages growing out of torts, which shall be presented within six months the accrual thereof, or shall be forever barred; and no bill or claim shall be paid except by a vote of a majority of the whole number of councilmen: Provided, however, that the provisions of this section shall not apply to the bonds of said city, authorized to be issued, and coupons for interest on said bonds.

Approved December 5th, 1898.

No. 28)

AN ACT

(H. 167

To authorize the mayor and councilmen of the town of Brewton to issue bonds of said town for an amount not exceeding fifty thousand dollars, to pay for permanent improvements in said town.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and councilmen of the town of Brewton be and they are hereby authorized to issue bonds of the said town of Brewton to be designated as the "Brewton Water, Light and Improvements Bonds," to an amount not to exceed fifty thousand dollars, or so much thereof as said board may deem necessary, for the purpose hereinafter expressed, in denominations of not less than one hundred dollars each, and payable thirty years from the date of their issuance, with coupons attached, bearing interest at a rate not exceeding six per cent per annum, and paid semi-annually to bearer; said bonds and coupons being paid in gold of the present standard, weight and fineness, in the City of New York, at some bank designated by the board of mayor and councilmen of said town.

Signed by

Sec. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said town, and the town treasurer must keep a correct record and account of all the bonds issued and disposed of under this act.

Record of

Duties of
Mayor and
Council

Sec. 3. Be it further enacted, That said mayor and councilmen of Brewton are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted, and no technical informality, irregularity, neglect or omission in the proceedings or records of said mayor and councilmen shall in any wise vitiate or annul said bonds or coupons, which shall have all the property and protection of commercial paper, and shall be receivable for all dues to the town in the way of taxes and otherwise.

Sec. 4. Be it further enacted, That said mayor and councilmen of the town of Brewton are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, or any portion of them, but said bonds shall not be sold for less than par (100 cents on the dollar), and the proceeds of said bonds so sold shall be paid over to and kept by the treasurer of the said town of Brewton, to be used and applied for the payment of any amounts due for the erection of a water and light plant of said town, and in the purchase of lands, machinery and all other necessities for any addition and extension of said water works and electric lights. Provided, further, that any portion of said bonds not sold and used for the purposes aforesaid, may and shall be used for any purpose which the mayor and councilmen of the town of Brewton may see fit and proper in the exercise of the powers conferred, and duties prescribed, by an act of the General Assembly of Alabama, approved February 18th, 1891, entitled "An act to amend an act entitled 'An act to incorporate the town of Brewton, in Escambia county,' approved February 13th, 1885."

Sale of bonds

Proceeds

Sec. 5. Be it further enacted, That the bonds herein provided for shall have priority over all bonds of said town which may hereafter be issued, and it shall be the duty of said mayor and councilmen of the town of Brewton to provide for the payment of the same, principal and interest, before providing for the payment of bonds which may be hereafter issued by said town.

Priority over other bonds

Sec. 6. Be it further enacted, That the mayor and councilmen of the town of Brewton shall provide for the payment of the principal of said bonds by setting apart for that purpose from the revenue of said town of Brewton each year, beginning ten years after the date of issuance of said bonds, an amount equal to five per cent. of the amount of bonds issued under the provisions of this act, and they shall be a lien on the water and light plant to which said additions and improvements provided for under this act are made.

Payment

Sec. 7. Be it further enacted, That these bonds shall be exempt from municipal taxation.

Exempt from municipal tax

Approved December 5th, 1898.

No. 29)

AN ACT

(H. 127)

To require the road commissioners of Tallapoosa county to cause road overseers in said county to have loose stones removed from the roads of said county.

Loose stones
to be re-
moved
from roads

Section 1. Be it enacted by the General Assembly of Alabama, That the road commissioners of Tallapoosa county are hereby authorized and required to cause road overseers in said county to have loose stones removed from the road bed of the public roads in said county.

Penalty

Sec. 2. Be it further enacted, That any overseer of public roads in said county who refuses to comply with section one of this act is hereby declared a road defaulter, and shall be subject to the laws now enforced against defaulting road overseers.

Approved December 5th, 1898.

No. 30)

AN ACT

(H. 25)

To prevent hunting on land in Jefferson county without the written consent of the owner.

Unless con-
sents in
writing

Section 1. Be it enacted by the General Assembly of Alabama, That any person, who shall hunt, shoot, or chase with dogs, game of any kind or description, or fish on the enclosed lands of another, without the consent in writing of the owner or tenant of such land, or his authorized agent, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not more than fifty dollars.

Misdemeanor

Prosecutions

Sec. 2. Be it further enacted, That all prosecutions under this act shall only be instituted upon the complaint of the owner or tenant of the land, or his duly authorized agent.

Sec. 3. Be it further enacted, That justices of the peace may exercise jurisdiction of all prosecutions arising under this act.

Sec. 4. Be it further enacted, That the provisions of this act shall apply only to the County of Jefferson.

Approved December 5th, 1898.

No. 31)

AN ACT

(H. 84

To repeal an act, entitled an act to establish a system for working roads in Crenshaw county, and to authorize the Commissioners Court of Crenshaw county to levy and collect a tax for working the public roads of said county, and to let out said roads by contract. Approved February the 13th, 1897.

Section 1. Be it enacted by the General Assembly of Alabama, That the act entitled "An act to establish a system for working roads in Crenshaw county, and to authorize the Commissioners Court of Crenshaw county to levy and collect a tax for working the public roads of said county and to let out said roads by contract," approved February 13th, 1897, be and the same is hereby repealed.

Approved December 5th, 1898.

No. 32)

AN ACT

(H. 69

To repeal an act entitled "An act to better provide for keeping up the public roads of Baldwin county," approved February 4th, 1897.

Section 1. Be it enacted by the General Assembly of Alabama, That the act of the General Assembly of Alabama, entitled, "An act to better provide for keeping up the public roads of Baldwin county," approved February 4th, 1897, be and the same is hereby repealed.

Approved December 6th, 1898.

No. 33)

AN ACT

(H. 314

To prevent stock from running at large in the Western Stock Law District of Wedowee Beat Precinct, No. six, Randolph county, Alabama, as the same was made and designated by the Commissioners Court of Randolph county, Alabama, and spread upon the minutes of said Court.

Section 1. Be it enacted by the General Assembly of Alabama, That after the passage of this act

Limits of
stock law
district

all persons are prohibited from allowing their stock to run at large anywhere within the limits of the Western Stock Law District of Wedowee Beat, Precinct No. six, in Randolph county, Alabama, as the same was made and designated by the Commissioners Court of Randolph county, Alabama, and spread upon the minutes of said Court, and it shall be unlawful within such limits for the owner of said stock to permit such stock to go upon the land or crop of another, and for each wilful violation of this section, the owner of such stock shall be guilty of a misdemeanor, and upon conviction of such offense shall be punished by a fine of not less than five nor more than fifty dollars, and the term stock, where it occurs in this act, shall be construed to include horses, mules, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs.

Owner liable
for damages

Sec. 2. Be it further enacted, That for any damage done by stock running at large in said prohibited territory, the owner shall be liable to the injured party in twice the amount of damages done by said stock, to be recovered by suit before any Court having jurisdiction, and any such judgment recovered shall be a lien on the stock so committing the damages; and the Court entering the judgment shall enter therein an order that the officer executing the writ of execution on said judgment, shall seize and sell said stock for the satisfaction of the judgment.

Stock may be
held

Sec. 3. Be it further enacted, That whenever any stock have committed any damage upon the land or crop of another, prohibited by this act, it shall be lawful for the injured party to confine the stock causing the damage, if taken up while such damage is being done, or before such stock have left his premises, and hold such stock until the damage caused by such are paid by the owner, if the amount is agreed upon by the parties; if they disagree and the injured party institutes suit for such damages within two days from the taking up of such stock, he shall still be authorized to hold such stock until the trial is had, unless the owner gives bond with sufficient surety, payable to the injured party, in the sum of twenty-five dollars, conditioned to pay such judgment as may be rendered in the

cause against him, within fifteen days from the rendition of such judgment. In the trial of the cause, if the plaintiff recovers, judgment shall be rendered for the costs of keeping such stock, as well as for damages and costs of suit. But if the defendant has tendered the bond herein provided for to the injured party, and in the discretion of the Court trying said cause the surety is sufficient, and the plaintiff refuses to accept the same, he shall not be allowed any cost for keeping such stock, after such bond was entered.

Sec. 4. Be it further enacted, That the prosecutions and civil actions provided for in this act may be tried before any justice of the peace or notary public with justice jurisdiction in the beat where the offense or damage occurred, and the amount of damage does not exceed fifty dollars. If the justice or notary is incompetent, or there is a vacancy in such office, then such trials and prosecutions shall be commenced in the nearest beat in said county where no such objection exists. For such trials and prosecutions said Justice Court shall always be open, but three days notice shall be given to the opposite party.

Tried before
justice of
peace

Sec. 5. Be it further enacted, That all laws now in force contrary to the provisions of this act, be and the same are hereby repealed.

Repeal

Approved December 6th, 1898.

No. 34)

AN ACT

(H. 126

To amend section one of an act, entitled, "An act for the preservation of game, animals and birds in Tallapoosa county," approved February 4th, 1897.

Section 1. Be it enacted by the General Assembly of Alabama, That section 1 of an act entitled, "An act for the preservation of game, animals and birds in Tallapoosa county," be amended so as to read as follows:

Sec. 1. Be it enacted by the General Assembly of Alabama. That it shall be unlawful at any place

Protection of
game

in Tallapoosa county to catch, kill or injure or pursue with such intent, any wild buck, doe or fawn between the first day of March and the first day of October; and it shall be unlawful to catch, kill or injure or pursue with such intent, any wild turkey, between the first day of April and the first day of October; and it shall be unlawful to catch, kill or injure or pursue with such intent any turtle doves, between the first day of April and the fifteenth day of July; and it shall be unlawful to catch, kill or injure or pursue with such intent, any quail, called partridge, between the first day of April and the first day of October.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved December 6th, 1898.

No. 35)

AN ACT

(H.110)

To authorize and empower the mayor and council of the town of Athens, Alabama, to issue and sell bonds of said town to an amount not exceeding six thousand dollars, falling due not more than thirty years from their date, bearing not exceeding six per cent interest, payable semi-annually, for the purpose of paying and satisfying a mortgage upon the electric light plant owned and operated by said town, and of making improvements thereon and extensions thereof.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the town of Athens be and they are hereby authorized and empowered to issue and sell bonds of said town to an amount not exceeding six thousand dollars, in sums of not less than one hundred dollars, nor more than one thousand dollars, falling due not less than ten, nor more than thirty years from date, to be redeemed at the pleasure of said town, at any time after ten years from their date, with coupons attached, bearing not over six per cent interest, payable semi-annually,

at the office of the mayor of said town—all for the purpose of paying and satisfying a mortgage upon the electric light plant, owned and operated by said town, situated in said town, and of making improvements thereon and extensions thereof, if the said mayor and council see fit.

Purpose of

Sec. 2. Be it further enacted, That all bonds which the mayor and council may issue and sell under this act, shall have the seal of said town attached thereto, and be signed by the mayor and treasurer of said town, and the treasurer of said town shall keep a complete record of such bonds.

Signed and
sealed

Sec. 3. Be it further enacted, That the mayor and council of said town, by themselves or their agents, are hereby fully authorized and empowered to do and perform all such matters and things as may be proper or necessary to carry into effect the powers hereby granted; and such bonds shall not be vitiated or impaired by any technicality or irregularity or omission in the proceedings of the mayor and council, or in keeping the record thereof; and such bonds shall have all the properties of commercial paper.

Record
Powers of
Mayor and
Council

Sec. 4. Be it further enacted, That the mayor and council shall not sell or issue any bonds under this act for less than par, one hundred cents on the dollar, nor appropriate or divert any of the proceeds of such bonds for or to any purpose other than the one hereinbefore declared; and out of such proceeds such aforesaid mortgage shall be promptly paid and satisfied and cancelled, and if deemed fit and proper by the mayor and council, the improvements and extensions shall be made and paid for out of such proceeds, all for the use, benefit and behoof of the said town of Athens and the inhabitants thereof.

Sale and
proceeds

Sec. 5. Be it further enacted, That the proceeds of such bonds shall be placed in the hands of such persons, firm or corporation, under such safeguards and subject to such orders as may be designated and prescribed by the mayor and council; that no fees, commissions, or charges for the custody or disbursements of such proceeds shall be allowed.

Where pro-
ceeds
placed

Sec. 6. Be it further enacted, That bonds issued and sold by the said mayor and council by the au-

Exempt from taxation thority this act confers shall be exempt from all taxation in this State, whether State, county or municipal.

Approved December 6th, 1898.

No. 36) AN ACT (H. 97

To repeal an act entitled, "An act to protect certain birds in Jefferson county," approved February 18th, 1897.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled, "An act to protect certain birds in Jefferson county," approved February 18th, 1897, be and the same is hereby repealed.

Repeal Approved December 6th, 1898.

No. 37) AN ACT (H. 85

To authorize and require the Court of County Commissioners of Crenshaw county to meet in special session within ten days after the approval of this act, for the purpose of appointing road apportioners in Crenshaw county.

Special Session Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners of Crenshaw county be and are hereby authorized and required to meet in special session within ten days after the approval of this act for the purpose of appointing road apportioners in and for said county.

Approved December 6th, 1898.

No. 38) AN ACT (H. 354

To establish a board of revenue for Butler county.

Section 1. Be it enacted by the General Assembly of Alabama, That there is hereby established a

board consisting of four persons and the president, Board consists of
to be called the board of revenue of Butler county.

Sec. 2. Be it further enacted, That the members of said board shall be appointed by the governor, and except as hereinafter provided, shall hold their office for the term of four years, and until their successors are qualified, and in case of a vacancy, the same shall be filled by the governor: Provided, however, that in making the first appointment of the members of said board under this act, the governor shall appoint and so designate two of them to hold their office as members of said board of revenue for the term of two years from the date of their appointment, and the other two members and president of said board appointed under this act, shall be appointed by the governor and designated to hold their office as members of said board for the term of four years from the date of their appointment, and that their successors shall hereafter be elected as now provided by law, except the president of said board, who shall be appointed by the governor of the State of Alabama. Governor to appoint
Term
Election

Sec. 3. Be it further enacted, That said board shall have power and authority to direct and control the property of the said county as it may deem expedient, according to law, to levy a general tax for general, and a special tax for particular county purposes, according to the provisions of the Code of Alabama; to examine, settle and allow accounts and claims chargeable against the county; to examine and audit the accounts of all officers having the care, management, collection and disbursement of money belonging to the county or appropriated for its use and benefit; to have exclusive control of the convict labor of the county and the disbursement of the proceeds of the same; and the sole right and authority to bind the county in any contract for the payment of money. Powers of Board

Sec. 4. Be it further enacted, That said board shall have all the jurisdiction and all the powers which are now or may hereafter be by law vested in the Courts of County Commissioners of this State, and the several members of the said board of revenue of Butler county shall respectively perform all the duties and services and exercise all the Powers and jurisdiction

powers which are or may be required by law of the several members of Court of County Commissioners.

Other powers Sec. 5. Be it further enacted, That all general laws hereafter enacted by the General Assembly of Alabama in relation to the jurisdiction, powers, authority or duties of county commissioners in this State, shall apply to said board of revenue of Butler county.

Duties of President Sec. 6. Be it further enacted, That the president of said board who shall be its presiding officer while said board is in session, and who shall determine all matters in the event of a tie in the vote of the other members, and who shall sign all warrants drawn on the county treasury, and all orders for the payment or disbursement of money or funds of said county, and whose duty it shall be to receive and prepare business and obtain information for the sessions of said board, and to see to the execution of all orders thereof, to report to the board all infractions of the revenue law in said county of which he can obtain authentic information.

Clerk Sec. 7. Be it further enacted, That said board may elect a clerk and fix his compensation, if in their discretion a clerk for said board is deemed necessary.

Sessions Sec. 8. Be it further enacted, That said board of revenue shall hold four sessions annually, viz: First Mondays in January, April, July and October of each calendar year, and may hold special sessions at any time upon the call of the president or any three members.

Quorum Sec. 9. Be it further enacted, That a majority of said board shall constitute a quorum for the transaction of business, and no funds belonging to the county shall be drawn or paid out except as authorized by said board, and a proper list and registry of all sums drawn or paid out and of the nature of the claim and of the person in whose favor drawn or paid out shall be kept by either the president or clerk of said board.

Record Sec. 10. Be it further enacted, That it shall be the duty of the clerk of each Court in said county and of the register in chancery to render to said

board within ten days after the adjournment of the term of any Court in said county, a list, under oath, of all fines and forfeitures taken and judgments rendered during said terms for the use of said county.

Duties of
Court officers

Sec. 11. Be it further enacted, That said board of revenue shall annually, upon their regular meeting on the first Monday in April, appoint overseers and apportioners of the public roads, and shall make such apportionment each year as now provided by law. And within ten days after such appointments are made the president of said board shall file with the probate judge a list of such appointments, whose duty it shall be to commission such apportioners and overseers.

Road officers

Sec. 12. Be it further enacted, That the members of said board shall each be entitled to not exceeding three dollars per day for each day of actual service rendered, five cents per mile for traveling to and from the sittings of said board, to be paid out of the county treasury on the certificate of or warrant signed by the president of said board.

Pay of Board

Approved December 6th, 1898.

No. 39)

AN ACT

(H. 14

To provide for and regulate the selection and drawing and impaneling of grand and petit juries in Dallas county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the jury commissioners of Dallas county, the probate judge and the clerk of the Circuit Court of said county shall meet in the office of the clerk of the said Circuit Court on the first Monday in December, 1898, or as soon thereafter as may be convenient and practicable, and the said commissioners under the direction of the said probate judge, shall make a list or roll of every male citizen living in said county, who possesses the qualifications hereinafter prescribed, and who is not herein specifically exempted from serving on juries. The said roll

Jury roll

shall be arranged alphabetically, and the said commissioners shall write on said roll, opposite each name placed thereon, the occupation and residence of said person. Upon the completion of said roll said commissioners shall cause to be prepared plain white cards, which said cards shall be of the same size and texture and shall have written or printed on said cards the name, occupation and place of residence of said person whose name has been placed on said roll, writing or printing but one persons name, occupation and place of residence on one card; said cards when so prepared shall be placed in a substantial wooden or tin box, provided with a lock and key, which said box shall be kept in a safe in the office of the clerk of the Circuit Court of Dallas county, and the key thereof shall be kept by the probate judge, who shall not allow it to be used or kept by any person except himself in his own proper person.

Selection of
jurors

Sec. 2. Be it further enacted, That the said judge of probate and commissioners shall place on said roll and in said jury box only the names of male as in their opinion are fit and competent to discharge under sixty years of age, not exempt from jury duty, residents of Dallas county over twenty-one and the duties of grand and petit jurors with honesty, impartiality and intelligence, and are esteemed in the community for their integrity, good character and sound judgment. But no person shall be selected who is an habitual drunkard, or who is afflicted with a permanent disease, or who cannot read and write, or who has been convicted of any offense involving moral turpitude.

Persons
exempt

Sec. 3. Be it further enacted, That the following named persons, and none others, are exempt from jury duties: School teachers while employed in teaching; ministers of the gospel in charge of churches; judges and clerks of the several Courts; attorneys at law actually engaged in the practice; practicing physicians; the sheriff and his deputies; masters of transportation; train dispatchers and chief telegraph operators; police officers of the City of Selma; practicing dentists; all officers, engineers and hostlers of the fire department; all active

members of the regularly organized fire companies; and all exempt firemen who have actually served as active firemen for the term prescribed by law, whose names must be certified under the oath of the chief of the fire department of Selma to the probate judge of Dallas county; all justices of the peace, not including notaries public; bonded constables and ferrymen; and all active, uniformed members of a regularly organized company of State troops, whose names must be certified under oath to the probate judge by commanding officer of said company.

Sec. 4. Be it further enacted, That the said probate judge shall call said jury commissioners together, at least twenty days before every regular or special term of the Circuit Court or City Court to be held in said county; the said judge and commissioners shall meet in the office of the clerk of the Circuit Court, and one of said commissioners shall, in the presence of the other commissioners, and under the direction and supervision of the said probate judge, draw from said jury box cards containing the names of sixty jurors, who shall be summoned, and from whom shall be selected, as hereinafter provided, the grand jury and the petit juries to serve the first week of said Court; and one of said commissioners shall in like manner draw from said jury box the names of forty jurors for every other week in which a jury will be required during said term of said Court. The clerk of the Circuit Court of Dallas county shall attend all meetings of the jury commissioners of said county, and under the direction of the probate judge, keep a record of the names of all the jurors drawn under the provisions of this act, showing when drawn, for what Court and week thereof they are to serve, their occupation and residence, and shall record every name as it was drawn from said box, and before another name is drawn out of the said box: Provided, that the grand and petit jurors drawn for the City Court of Selma shall be drawn and summoned for such weeks as the judge of said Court may direct. When the required number of names have been drawn, if it appears that any person whose name has been drawn is

Method of
drawing jury

dead, insane, permanently diseased or a non-resident of the county, or in any wise disqualified, the probate judge shall cause the said clerk to enter on said roll, opposite said name, such death or disqualification, and another name must be drawn as before, and the same proceedings shall be had as often as may be necessary, until the requisite number of qualified jurors is obtained; whereupon the probate judge shall sign the minutes of said drawing and adjourn the meeting of said commissioners to the next day upon which it will be necessary to draw any jury in said county.

Regarding
summoning

Sec. 5. Be it further enacted, That upon the completion of any such drawing of juries the said clerk of the Circuit Court must issue an order in writing to the sheriff of Dallas county commanding him to summon the persons so drawn to appear and serve as jurors, setting forth in said order the name, occupation and residence of every person named in said order and the week of the Court for which said juror is to serve, and the sheriff, or other person acting in his place, shall execute said order by giving personal notice to such person or by leaving the written notice at the place of his residence with some member of his family, or some person residing in the same house, three days before the day appointed for the commencement of the Court; and said order must be returned to the clerk of the Court from which it issued, with the proper return thereon, by the sheriff, by the day appointed for the meeting of the Court.

How drawing
juries must
be conducted

Sec. 6. Be it further enacted, That the Court shall require the sheriff to call all persons so named in said order, and shall then hear all excuses and claims of exemption and disqualifications, and after passing upon all of said excuses or claims, shall cause the names of all the jurors in attendance upon said Court on that day, and who have not been excused by the Court, to be written on separate slips of paper and folded or rolled up, so as to conceal the name written thereon, and then placed in a hat or box, and thereupon the judge of said Court must, in open Court, draw from said hat or box the names of eighteen jurors, who shall forthwith be impaneled and sworn as the grand jury for that

term of the Court. The judge must then proceed to draw from said hat or box the names of twelve jurors, who shall be impaneled and sworn as petit jury number (1) one, who shall serve as a petit jury for that week or until discharged by the Court; and in like manner said judge must draw, impanel and swear petit jury number two, who shall serve as a petit jury for that week or until discharged by the Court.

Sec. 7. Be it further enacted, That whenever there are not enough qualified jurors in attendance upon said Court to form the jurors required by law, and at least four tales jurors, the judge of the Court shall draw from the jury box the names of as many jurors as he may deem necessary, who reside within two miles of the courthouse, to complete all juries for said week, and shall require the sheriff, forthwith, to summons all jurors thus drawn in said Court immediately. The Court shall cause the names of all jurors thus drawn, who appear in said Court, and who are qualified and not excused by the Court, to be placed in a hat or box, and from these names shall be drawn as many jurors as may be necessary to complete all of said juries. In the event the juries are not thus completed, or should the grand jury or any petit jury be reduced from any cause to below the number required by law, the Court shall, in the manner prescribed by this section, supply all deficiencies in the number of any jury in said Court. The names of all jurors drawn from said box under the provisions of this section, who do not reside within two miles of the courthouse, shall not be given to the said sheriff, but must forthwith, upon the completion of the drawing, be returned to said jury box, in open Court. The clerk of court, under the direction of the Court, shall make upon the minutes of said jury commissioners an entry of all jurors sworn and impaneled under the provisions of this section. The names of all jurors summoned under this section, who are not sworn and impaneled, shall be forthwith returned to said jury box in open Court.

In event not
sufficient
qualified ju-
rors in
attendance

Sec. 8. Be it further enacted, That whenever any juror drawn and summoned under this act shall appear, to the satisfaction of the Court, to be dis-

Disqualified
juror's name
must not
again be
placed in box

qualified or exempt, the Court must make an order requiring that his name be stricken from said jury roll, and his name shall not thereafter be placed in said jury box. Whenever any juror is drawn and summoned under this act, and is excused, and for any cause is not impaneled and sworn, his name shall forthwith, in open Court, be deposited back in said jury box.

Jury in crimi-
nal cases,
when defend-
ant not pun-
ished capi-
tally.

Sec. 9. Be it further enacted, That upon the trial in the Circuit Court of Dallas county or City Court of Selma, of any person indicted for a misdemeanor or felony, not punished capitally, the Court shall require list of all the regular jurors impaneled for that week, who are competent to try said defendant, to be made, and the defendant shall be required, first to strike from said list the names of two jurors, and the solicitor shall strike one, and they shall continue thus to strike off names alternately, until only twelve remain on said list, and these twelve, thus selected shall be the jury charged with the trial of that case. In case two or more persons are tried jointly, each defendant shall have the right to strike off one name, and the solicitor one, and they shall continue thus to strike off names until only twelve remain, and the twelve thus selected shall be the jury charged with the trial of said defendants.

If for any cause the number of regular jurors competent to try the defendant is reduced below sixteen, the Court must cause at least ten jurors, who live within two miles of the courthouse, to be drawn and summoned, and the names thus appearing, who are competent to try the defendant, must be placed on the list with the regular jurors for that week, and the defendants and solicitor shall in like manner as heretofore provided, be required to strike from said lists, thus made up, the names of jurors as provided, until only twelve remain, who shall be the jury charged with the trial of that case.

Trial for
capital felony

Sec. 10. Be it further enacted. That whenever any person or persons stand indicted for a capital felony, the Court must, on the first day of the term, or as soon thereafter as practicable, make an order commanding the sheriff to summon not less than

fifty nor more than one hundred persons, including those drawn and summoned on the regular juries for the week set for the trial of such case, and shall then, in open Court, draw from said jury box, or cause to be drawn from said jury box, the number of names required with the regular jurors drawn and summoned for the week set for the trial sheriff to summon said persons named therein, to appear in Court on the day set for the trial of said of such case to make the number named in said order, and shall cause an order to be issued to said defendant or defendants, and must cause a list of the names of all jurors summoned for the week in which said trial is set, and of those drawn as provided in this section, together with a copy of the indictment, to be forthwith served on the defendant or his counsel by the sheriff, and the defendant shall not be entitled to any other or further notice of the jurors drawn or summoned for his trial, nor of the charge or indictment upon which he is to be tried. On the day set for the trial, if the cause is ready for trial, the Court must inquire into and pass upon the qualifications of all the persons who appear in Court in response to the summons to serve as jurors, and shall cause the names of all those whom the Court may hold to be competent jurors to try the defendant or defendants to be placed on the list, and if there is only one defendant on trial, shall require the defendant to strike off from said list two names, and then the solicitor to strike off one name; and in case there are two or more defendants on trial, each defendant shall strike one name and the solicitor one; and they shall in this manner continue to strike names from said list until only twelve names remain thereon. The twelve thus selected shall be sworn and impaneled as required by law for the trial of defendant or defendants. If in any capital case the number of competent jurors should be less than twenty, before requiring any of them to be stricken off, the Court must draw or cause to be drawn, as prescribed in this act, and have summoned enough qualified, competent jurors, who live within two miles of the courthouse, to increase the number to at least twenty-four, and have

Trial for capital felony.

their names placed on said lists with the other competent jurors, and shall then require defendant or defendants and solicitor to strike from said list the number of jurors that each may be entitled to strike off, as provided in this section, until only twelve remain thereon, and these twelve shall be sworn and impaneled as the jury for the trial of the said defendant or defendants. If any defendant or defendants should refuse to strike the number of jurors allowed him by this act from the list furnished him, under the direction of the Court, then the solicitor shall proceed and strike off all of the names on the said list except those stricken off by the defendant until there remains only twelve, and the remaining twelve shall constitute the jury for the trial of said defendant or defendants. If the sheriff fails to summon any jurors drawn, or any juror summoned fails or refuses to attend the trial, or there is any mistake in the name of any juror drawn or summoned, none nor all of these grounds shall be sufficient to quash the venire or to continue the same.

Names stricken from rolls

Sec. 11. Be it further enacted, That whenever any person whose name has been placed on said jury roll shall appear to the Court to be an unfit person to serve on juries the Court must make an order requiring said person's name to be stricken from said roll.

Duties of Court clerks

Sec. 12. Be it further enacted, That whenever any juries are drawn under this act, to serve in the City Court of Selma, the clerk of the Circuit Court must furnish a list of the persons so drawn to the clerk and register of the said City Court, who must issue the necessary order to the sheriff as provided in section five of this act, and upon the convening of the City Court of Selma for the trial of jury cases, or impaneling of a grand jury, the said clerk of the Circuit Court shall deliver the said jury box to the clerk and register of the said City Court, who shall perform, during the session of said City Court, all the acts required of said Circuit Court clerk by this act, and shall on the adjournment of the jury causes in said City Court, deliver said jury box into the custody of the said clerk of the Circuit Court.

Sec. 13. Be it further enacted, That the judge of probate is hereby authorized, and it is made his duty, to purchase the necessary books in which to keep said jury roll and a record of said drawings, and he shall draw his warrant on the treasurer of said county to pay for the same. And he is hereby authorized to draw his warrant on the treasurer of said county to pay for the cards and the writing or printing necessary to put the names of jurors on said cards as required by this act.

Books, stationery, etc

Sec. 14. Be it further enacted, That whenever the names in said jury box are exhausted or so far depleted that they will probably be exhausted at the next drawing of jurors, the commissioners must proceed to make and certify a new roll, and deposit the names in the box, in all respects as provided for in this act; and for this purpose said jury commissioners may meet whenever it may be necessary and refill said jury box; and if at any time when the commissioners meet to draw juries, the names in the box shall be exhausted, they may suspend the drawing and forthwith provide the necessary roll of names and place the same in the box and proceed to complete the drawing from the box as refilled.

When new roll to be made

Sec. 15. Be it further enacted, That whenever a jury is required to try any issue in the Probate Court, or before the probate judge, or in the Chancery Court of said county, said probate judge or said chancellor as the case may be, shall draw from the said jury box as many names as he may think necessary, in no case less than twenty-four, and shall make and sign a record of such drawing, and issue an order to the sheriff requiring him to summons said jurors, and upon the trial of said issue said probate judge, or chancellor, must draw the said jury in the manner provided in section six of this act.

Juries in Probate or Chancery Court

Sec. 16. Be it further enacted, That in the event the probate judge shall be sick, or necessarily absent, so that he cannot discharge the duties imposed upon him by this act, then, and in every such case, the judge of the City Court of Selma shall perform all the duties imposed upon the probate judge by this act. And in the event that the probate

In case of absence

judge and the judge of the City Court of Selma shall both, at the same time, be sick or absent from the State, or for any other reason unable to attend and perform the duties required of the probate judge in said act, then in that event, it shall be the duty of the register in chancery of Dallas county, and he is hereby required and empowered to perform any and all of said duties as may be required during the absence of said probate judge and of the judge of the City Court of Selma.

Duty of Probate Judge Sec. 17. Be it further enacted, That upon the convening of any term of the Circuit Court or said City Court, the probate judge shall deliver the key to the jury box to the judge of the Court, to be used by said judge during said term, and to be by him, upon the adjournment of said Court, returned to the said probate judge.

Failure to summon juror Sec. 18. Be it further enacted, That if the sheriff of Dallas county, or any deputy of said sheriff, shall negligently fail to summon any person to serve as a juror, whom he is commanded to summon, he shall be held and deemed guilty of a contempt of court, and it shall be the duty of the Court to fine him not more than one hundred dollars in every case where a person is so unsummoned, and he may also be imprisoned in the county jail for not more than five days; and the return of any such person as "not found" shall be prima facie evidence of such negligence on the part of the sheriff or deputy making such return, and he shall be punished by the Court, unless shown good reason to the contrary.

Pay of jury commissioners Sec. 19. Be it further enacted, That the probate judge of Dallas county and the Circuit clerk shall be entitled to receive as compensation for their services in performing the duties imposed upon them by this act, the sum of four dollars per day for every day he may be engaged in performing the duties herein required of him, and every jury commissioner shall receive three dollars per day for every day he is actually engaged in performing his duties under this act. Said compensation to said judge, clerk and commissioners shall be paid out of the county treasury upon the warrant of the said probate judge.

Section 20. Be it further enacted, That if neither the probate judge nor any one of the said commis-

sioners, knows that a person is qualified to serve as a juror, they may inquire, touching his character and qualifications, and if satisfied that he possesses all the qualifications required by this act, then they shall place his name on said roll and in said jury box.

When inquiry may be made

Sec. 21. Be it further enacted, That any officer who neglects or refuses to perform any duty imposed upon him by this act, must, on conviction, be fined not less than one hundred dollars, and the solicitor's fee for every conviction under this section shall be fifty dollars.

Penalty

Sec. 22. Be it further enacted, That whenever in drawing tales jurors to complete any jury authorized by this act, it shall appear to the judge drawing said tales jurors, that the names of the persons living within two miles of the courthouse have been exhausted, said judge may then draw from said box the names of such persons as live nearest to the courthouse in Dallas county, and have them summoned as the tales jurors are summoned.

Tales jurors

Sec. 23. Be it further enacted, That whenever the judge of the Circuit Court or the judge of the City Court of Selma shall deem it proper to set two or more capital cases for trial for the same day, said judge may draw and have summoned one jury or one venire facias of petit jurors for the trial of all such cases so set down for one and the same day.

When two capital cases set for one day

Sec. 24. Be it further enacted, That upon the trial of any cause in said Courts and any juror who has been drawn and summoned and is in attendance upon said Court shall be found to be upon the jury which is considering a verdict in another case, it shall be no objection to proceeding with the trial of the said defendant or defendants, nor shall it be any ground for the continuance of said cause, nor shall any defendant or defendants have the right to call any other of such jurors from their jury room in order that he may have such jurors put upon the list from which the panel is to be selected to try him.

When juror is in another case

Sec. 25. Be it further enacted, That it is hereby expressly declared to be the intent of the legislature in the enactment of sections one, two, four, six, seven and ten of this act, to make the provisions of

Provisions directory

said enumerated sections, in relation to the selection, drawing, and summoning of jurors directly merely, and not mandatory; the juries selected, drawn and summoned, under the provisions of said enumerated, whether at an earlier day or later day, must and shall in all respects be deemed legal, and possess, in full in every respect, the power to perform all the duties belonging to grand and petit jurors, respectively, in Dallas county. And no objection can be taken to a venire facias for a petit jury in Dallas county, except for fraud in drawing and summoning the said jurors.

Objections to
formation of
grand jury

Sec. 26. Be it further enacted, That no objection to an indictment on any ground, going to the formation of the grand jury which found the same, can be taken to said indictment, except by plea in abatement to said indictment; and no objection can be taken to an indictment by plea in abatement, except on the ground that the grand jurors who found said indictment were not drawn by the officer designated by law to draw the same; and neither this objection, nor any other, can be taken to the formation of a special grand jury summoned by the direction of the Court. And any plea in abatement to an indictment must be filed at the first term at which the indictment was found, if the accused has been arrested; and if the accused has not been arrested, such plea in abatement must be filed at the first term at which it is practicable after the defendant's arrest; and in either case, such plea in abatement must be filed before a plea to the merits.

Repeal

Sec. 27. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved December 9th, 1898.

No. 40)

AN ACT

(H. 400)

To authorize an election in the County of Morgan to determine whether bonds in the sum of seventy-five thousand dollars shall be issued by said county for the purpose of building roads therein.

Section 1. Be it enacted by the General Assembly of Alabama, That in order to ascertain the will of a majority of the qualified electors of Morgan county as to whether bonds shall be issued by said county in the sum of seventy-five thousand dollars for the purpose of building good roads in said county, it is hereby enacted, That on Tuesday, the 17th day of January, 1899, there shall be held in Morgan county, an election at which all the qualified electors of said county shall be entitled to vote. Election

Sec. 2. Said election shall be conducted as near as may be under the general laws of the State, save and except no markers shall be allowed; the tickets to be voted by those favoring the issuance of bonds shall have printed thereon the words "For Bonds," and the tickets to be voted by those against the issuance of bonds shall have printed thereon the words, "Against Bonds." Ballots

Sec. 3. The returns from said election shall be made to the judge of probate of said county, whose duty it shall be as soon after said election as practicable, to count the vote polled at said election, said count to take place in the presence of the sheriff and Circuit Court clerk of said county, and to announce the result of said election within ten days thereafter, in some newspaper published in the county. Returns
Counting
the vote

Approved December 8th, 1898.

No. 41)

AN ACT

(H. 348)

To prohibit the sale, giving away, bartering, or otherwise disposing of any spirituous, vinous or malt liquors or intoxicating drinks, bitters or beverages of any kind within the corporate limits of the town of Louisville, in the County of Barbour.

Prohibition

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person or persons to sell, give away, barter or otherwise dispose of any spirituous, vinous or malt liquors, or intoxicating drinks, bitters or beverages of any kind, within the corporate limits of the town of Louisville, in the County of Barbour, Alabama.

Penalty

Sec. 2. Be it further enacted, That any person or persons violating the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars at the discretion of the jury trying the same.

Approved December 8th, 1898.

No. 42)

AN ACT

(H. 297)

To require a majority of the legal electors and bona fide house holders within the corporate limits of the town of Pinckard, in Dale county, necessary to a recommendation to obtain a license to sell any malt, spirituous, vinous or other intoxicating liquors or drinks, within the corporate limits of said town of Pinckard.

Requirements
necessary
for license

Section 1. Be it enacted by the General Assembly of Alabama, That no license must be issued or granted to sell any malt, spirituous, vinous or other intoxicating liquors, or drinks, within the corporate limits of the town of Pinckard, in Dale county, unless the applicant file in the office of the probate judge of Dale county, or office of such other officers

authorized by law to issue or grant such license, five days before the issuing or granting of such license, for public examination, a written recommendation of a majority of the legal electors, and a majority of the bona fide householders, who have resided within the corporate limits of said town of Pinckard twelve months next preceding such application, stating that they are acquainted with the person or persons to whom such license is to be issued, and that such person or persons are possessed of a good moral character, and in all respects are proper and suitable persons to be licensed to sell malt, or spirituous, vinous or malt liquors, or other intoxicating drinks, within the corporate limits of said town.

Sec. 2. Be it further enacted, That any person applying for a license as herein provided, who shall use or employ the name of any elector, or householder upon the recommendation required by this act, without the consent of such person, shall be guilty of a misdemeanor, and upon conviction, in addition to all costs, must be fined and pay in money, not less than twenty dollars, one-half for the use of the benefit of the party aggrieved, the other half for the use and benefit of the County of Dale.

Penalty for
unauthorized
use of name

Sec. 3. Be it further enacted, That if the probate judge of Dale county or such other officer as shall be authorized by law, shall issue a license as herein provided, to any person without a recommendation strictly in compliance with the provisions and conditions of this act, or upon such application shall refuse to issue and grant the license herein provided for, shall be guilty of a misdemeanor, and upon conviction, in addition to all cost, must be fined and pay in money, not less than fifty dollars, one-half for the use and benefit of the party complaining, if there be one, otherwise for the use and benefit of Dale county.

Penalty for
not comply-
ing with this
act

Sec. 4. Be it further enacted, That all laws and parts of laws, so far as the same relates to the corporate limits of Pinckard, in Dale county, and in conflict with the provisions of this act be, and the same are hereby repealed.

Repeal

Approved December 8th, 1898.

No. 43)

AN ACT

(H. 251)

To prohibit the sale or other disposition of alcoholic, spirituous, vinous or malt liquors, or intoxicating bitters or beverages, within five miles of the Methodist church in the town of Winfield, in Marion county, Alabama.

Prohibition

Section 1. Be it enacted by the General Assembly of Alabama, That after the passage of this act, it shall be unlawful to sell, barter, give away or otherwise dispose of any alcoholic, spirituous, vinous or malt liquors, or intoxicating bitters or beverages of any kind, within five miles of the Methodist church in the town of Winfield, in Marion county, Alabama.

Penalties

Sec. 2. Be it further enacted, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty or more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for Marion county for not more than twelve months.

Repeal

Sec. 3. Be it further enacted, That all laws in conflict with this act, whether special or otherwise, shall be and are hereby repealed.

Approved December 8th, 1898.

No. 44)

AN ACT

(H. 219)

To refund amounts paid for the years 1897 and 1898, as vehicle and wagon tax under the provisions of section 3 of "An act for the improvement of roads and bridges in Tuscaloosa county," approved February 18th, 1897.

Duty of county treasurer

Section 1. Be it enacted by the General Assembly of Alabama, That the treasurer for Tuscaloosa county is authorized and required to pay out of the road fund to taxpayers the amounts paid by them for the years 1897 and 1898 for vehicle or wagon tax under the provisions of section 3 of "An act for the improvement of roads and bridges in

Tuscaloosa county," approved February 18th, 1897.

Sec. 2. Be it further enacted, That each person who has paid said vehicle or wagon tax, and desires to have the same refunded, shall present to the treasurer his receipt for taxes for the year or years for which reclamation is made, and the treasurer shall pay to such person the amount he is entitled to receive as above set out, taking his receipt therefor: Provided, that no claim shall be paid after January 1st, 1900. Receipts to be presented

Approved December 8th, 1898.

No. 45)

AN ACT

(H. 172)

To prohibit the sale of vinous, spirituous, or malt liquors, intoxicating ciders, bitters or beverages within a radius of three miles of Big Creek church, in Geneva county.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person to sell vinous, spirituous or malt liquors, or intoxicating cider, bitters or beverages within three miles of Big Creek church, in Geneva county. Prohibition

Sec. 2. Be it further enacted, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined in the sum of not less than fifty nor more than two hundred dollars, and may be sentenced to hard labor for the county for a term not to exceed six months, at the discretion of the Court or jury trying the same. Penalties

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed. Repeal

Approved December 8th, 1898.

No. 46)

AN ACT

(H. 144)

To compel public ginners to inclose their gins on the public highways and towns in Choctaw and Lawrence counties.

Enclose with
lawful fence

Section 1. Be it enacted by the General Assembly of Alabama, That any company, person, or corporation, owning or operating a public gin, shall inclose such public gin by inclosing it in by a lawful fence, and shall keep gates, good and sufficient, so as to keep stock from entering such inclosures.

Unlawful un-
less enclosed

Sec. 2. Be it further enacted, That, it shall be unlawful to run a public gin on the public road or in any town in Choctaw and Lawrence counties without having it inclosed by fencing it in by a lawful fence, and good gates, kept in good repair.

Penalty

Sec. 3. Be it further enacted, That any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than fifty dollars.

Sec. 4. Be it further enacted, That this law shall not apply to any counties, except Choctaw and Lawrence counties.

Approved December 8th, 1898.

No. 47) AN ACT (H. 138
To provide a separate poorhouse and separate accommodations for white and colored paupers in the County of Washington.

White and
colored
separate

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners for Washington county, be and they are hereby required to keep the paupers in said county, white and colored, separate and apart from each other, while inmates of the poorhouse in said county.

Separate poor
houses

Sec. 2. Be it further enacted, That the said Court of County Commissioners be, and they are hereby authorized to keep separate poorhouses for the accommodation and maintenance of white and colored paupers in said county, and to make rules and regulations with the keepers of said poorhouses, requiring them to keep separate accommodations for white and colored paupers.

Approved December 8th, 1898.

No. 48)

AN ACT

(H. 115)

To require the Court of County Commissioners of Madison county, Alabama, to publish semi-annually a statement of the financial condition of the county.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the Court of County Commissioners of Madison county, this State, to publish in some newspaper published in the county, semi-annually, on the first day of January and July of each year, a statement of the financial condition of the county, giving all receipts and disbursements by items, and showing in detail the compensation received by each commissioner for his services under the law. Semi-annual statements

Approved December 8th, 1898.

No. 49)

AN ACT

(H. 111)

To allow stock to run at large in Beat 12, Lee county, at certain seasons of the year.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage and approval of this act, it shall be lawful for stock to run at large in Beat twelve (12), Lee county, from the first (1st) day of December to the first (1st) day of March each year, successively. Time stock may run at large

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed. Repeal

Approved December 8th, 1898.

No. 50)

AN ACT

(H. 65)

To authorize the board of intendant and councilmen of the town of Oakman, in Walker county, to issue bonds of the said town for an amount not exceeding five thousand dollars for the purpose of building, equipping, or procuring suitable school buildings for the use of the residents of said town.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the board of intendant and councilmen of the town of Oakman, in the County of Walker, be and they are hereby authorized to issue bonds of said town to be designated as Oakman school bonds, to an amount not exceeding five thousand dollars, or so much thereof as said board may deem necessary for the purpose hereinafter named, in denomination of not less than five hundred dollars each, and payable ten years from date of the issuance, bearing interest at the rate of not exceeding eight per cent, per annum, with interest coupons attached, payable to bearer on the first day of January of each year after the issuance, but such board of intendant and councilmen may at its option after the expiration of two years from the date of the issuance of said bonds, pay any or all of said bonds at any time prior to their maturity, but such payment of said bonds, if made prior to the maturity, shall be made in their consecutive numerical order, beginning at bond No. 1 and continuing to No. 10. Said bond shall be payable in legal tender money of the United States at some bank or banking house in the said town of Oakman, in the said County of Walker, or in the City of Birmingham, in the County of Jefferson, State of Alabama.

Signed by

Sec. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act, shall be numbered consecutively from one to ten, both inclusive, and shall be signed by the intendant and countersigned by the secretary of said board of intendant and councilmen. The secretary of said board shall make and keep a correct record of all the bonds issued and disposed of under the provisions of this act.

Record

Powers

Sec. 3. Be it further enacted, That the said board of intendant and councilmen of said town of Oakman are hereby authorized to do any and all things that may be necessary to carry out the powers granted by this act, and no technical informality, irregularity, neglect or omission in the proceedings or record of said board or in the duty of any officer or member thereof, shall in any manner vitiate or impair the obligations of said bond or coupons, which bonds and coupons shall be receiv-

able for all dues to the said town of Oakman in the way of taxes or otherwise.

Sec. 4. Be it further enacted, That said board of intendant and councilmen of said town of Oakman are hereby authorized upon the executions of said bonds to deliver over the said bonds to the board of education of the Oakman School district, who shall have power to negotiate, sell and dispose of said bonds or any portion thereof, for the purpose of erecting, equipping or procuring such school buildings for the establishment of a public school or schools within the corporate limits of the town of Oakman, but said bonds shall not be sold for less than their par value of one hundred cents on the dollar, and the proceeds of the sale of said bonds so sold shall be paid over to and kept by the treasurer of the said board of the Oakman School district, and by the direction of the said board of education, to be used and applied in the purchase, erection, equipment, repairs and improvement of public school buildings within the said town of Oakman, for the use of the citizens thereof.

Sale of bonds

Use of proceeds

Sec. 5. Be it further enacted, That the use, payment and application of said bonds or the proceeds of the sale thereof shall be under the direction of the said board of the Oakman School district, and the treasurer of the said board shall be responsible for the safe keeping of said bonds, after their issuance and delivery to him, and for the proceeds arising from their sale, which may come into his hands, but he shall receive no commission for receiving and disbursing the same.

Duties of board and treasurer

Sec. 6. Be it further enacted, That the treasurer of the said board of education shall keep the accounts of the fund arising from this act separate and distinct from his account with other funds of the said district.

Separate account

Sec. 7. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall have priority over all bonds of said town of Oakman, which may hereafter be issued, and it shall be the duty of the said board of intendant and councilmen of said town of Oakman to provide for the payment of the same, principal and interest, by taxation or otherwise, before providing for the pay-

Priority

ment of any bonds of said town which may hereafter be issued by said town, and the bonds issued under the provisions of this act shall be a lien on all the school property now owned, or which may be hereafter acquired by said town of Oakman and said board of education of Oakman School district.

Provisions for
payment Sec. 8. Be it further enacted, That the said board of intendant and councilmen of said Oakman after the expiration of two years from the issuance of said bonds shall make provision for the payment of any number of said bonds, that they may see fit to pay in any one year prior to the maturity of said bonds in their numerical order, as provided in section 1 of this act.

Exempt from
town taxation Sec. 9. Be it further enacted, That the bonds issued under the provisions of this act shall be exempt from taxation from the said town of Oakman.

Approved December 8th, 1898.

No. 51)

AN ACT

(H. 63

To incorporate the Jasper Baptist church, of Jasper, in Walker county, Alabama.

Incorporators Section 1. Be it enacted by the General Assembly of Alabama, That William B. Appling, Sheriff Lacy, Joseph H. McGuire, Joseph F. Appling, James M. Williams, John Staggs, W. G. Davis, William R. Sawyer and George D. O. Rear, the present board of deacons of the Jasper Baptist Church, at Jasper, Walker county, Alabama, and their successors in office together with the entire present membership of said church and those who may hereafter become members thereof be, and they are hereby declared and constituted a body corporate by the name and style of the "Jasper Baptist Church;" and by that name and style may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity; and may exercise any other right either equitable or legal, that belongs to or may be exercised by individuals. Said body corporate may also acquire, hold, possess, own and

Name and
style

Powers

enjoy such goods and chattels, lands and tenements, or other property as may be necessary, convenient or desirable, and may sell, transfer, assign, convey, mortgage or otherwise dispose of the same for the use and benefit of said church in the manner herein-after provided.

Sec. 2. Be it further enacted, That said above-named board of deacons and their successors in office are hereby made and constituted a board of trustees and directors of and for said Baptist church, with full power and authority to manage and control the financial and other secular affairs of said church, to execute deeds, mortgages and other conveyances of real or personal property belonging to said church for the use and benefit thereof: Provided, at all times that at least two-thirds of said board, constituted as aforesaid, shall express their approval of such sale, transfer, assignment or other conveyance before the same shall be deemed valid and operative. Powers

Sec. 3. Be it further enacted, That said board of deacons in their said capacity of directors and trustees, of aforesaid, may organize themselves for the transaction of all secular and financial business pertaining to said church by electing a president and secretary and treasurer, and such other officers or agents as they may see fit, and that all deeds, notes, bonds, bills, assignments, mortgages or other legal documents made or to be made by said board for and in behalf of said church and in the name thereof, under this charter, may be properly executed in pursuance of the order of two-thirds majority of all its members at any time, as aforesaid, by the signature of the president, and countersigned by the secretary thereof. Officers

Sec. 4. Be it further enacted. That said Jasper Baptist church be and the same hereby is fully authorized and empowered to build a suitable house of worship, and for that purpose, to contract such debts and to borrow money in such amount, or amounts, and for such length of time and upon such security and for such rate of interest as may be deemed necessary and expedient for that purpose; and to this end it is hereby authorized and empowered to secure said indebtedness by the exe- May build, contract debts etc

cution of such notes, bills, bonds, deeds, mortgages or other security, or evidence of indebtedness as may be deemed necessary and expedient. And said board of deacons, in their capacity as trustees and directors, as aforesaid, are fully authorized and empowered in the name and for the use and benefit of said church, to contract said indebtedness, and to make, execute and deliver said notes, bills, bonds, mortgages, deeds, assignments or other documents, and do and perform all other acts and things necessary to secure the same.

Rights and
powers of cor-
poration

Sec. 5. Be it further enacted, That said Jasper Baptist church in its congregational capacity, shall at all times have the right, power and authority to revise the acts and doings of said board, and to revoke, modify, change, alter or annul the same at any time: Provided, however, that nothing in this section nor in this act shall be so construed as to authorize said church in its congregational capacity, as aforesaid, in the exercise of its revisory powers over the acts and doings of its said board of trustees and deacons, to revoke contracts previously made and entered into by said board, in the name of said church, as aforesaid, or to do anything prejudicial to the rights of others previously acquired under such contracts.

Repeal

Sec. 6. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved December 8th, 1898.

No. 53)

AN ACT

(S. 89

To amend section 1 of an act to amend certain sections of the charter of Oxford, and to give said town of Oxford power to issue bonds, approved February 18th, 1891.

Sec. 1
amended

Section 1. Be it enacted by the General Assembly of Alabama, That section 1 of an act to amend certain sections of the charter of Oxford, and to give said town of Oxford power to issue bonds, ap-

proved February 18th, 1891, be amended so as to read as follows:

Be it further enacted that the corporate limits of the said town of Oxford shall embrace and include all the lands within three-fourths of one mile of the railroad culvert on the Southern railroad, near the depot, in said town of Oxford, except that part of such territory which lies north and west of a line beginning on the boundary line of said town at the northeast corner of Block 112. thence running in a southerly direction along east side of said block to Benson street, thence in a southerly direction along west side of Benson street, to the intersection of Thomason street, thence along west side of Warnock street to the intersection of Graham street, thence westerly along north side of Graham street to the boundary line of said town: Provided, that none of the territory of the town of Oxanna is included in the corporate limits of the town of Oxford; and, provided, further, that the police jurisdiction of the town of Oxford shall extend one mile beyond its corporate limits, the said town of Oxford having the right to arrest and try any and all parties for any violation of its ordinances within its police jurisdiction.

Approved December 8th, 1898.

No. 54)

AN ACT

(S. 66

To amend Sections 1, 6, 9, 10 and 20 of an act entitled an act to establish a County Court for the County of Cleburne, approved February 16th, 1897, and to add Section 32 $\frac{1}{2}$ thereto.

Section 1. Be it enacted by the General Assembly of Alabama, That section 1 of an act entitled "An act to establish a County Court for the County of Cleburne," approved February 16th. 1897, be and the same is hereby amended so as to read as follows: Sec. 1. Be it enacted by the General Assembly of Alabama, That there is hereby established in and for the County of Cleburne, an inferior Court of law and equity, which shall be called the County

Jurisdiction
and powers

Court of Cleburne county, and which shall have and exercise all the jurisdiction, authority and powers which are now or may be hereafter conferred by law on the several Circuit, Chancery and City Courts of the State (including the power and authority to examine applicants for license to practice law, and to grant license to such applicants to practice law under the same rules and regulations as are prescribed for such examinations and granting such license by the Circuit, Chancery and City Courts of this State). When exercising the powers and jurisdiction of courts of law, said County Court shall conform to the rules of procedure and practice in the Circuit Courts, and when exercising the powers and jurisdiction of the Courts of Equity it shall conform to the rules of procedure and practice in Chancery Courts except when the rules of procedure and practice are changed by the provisions of this act: Provided, that the presiding judge shall have the power to make and adopt such rules of practice, not inconsistent with the general rules of practice and the statutes of Alabama, as may be required by a proper system of City Court practice, and to amend the same as may be expedient, and such rules shall be entered upon the minutes of said Court: Provided, that no rule of practice shall be adopted requiring a peremptory call of the docket oftener than once in every two months.

Section 6
amended

When defendant to appear and plead

Sec. 2. Be it further enacted, That section 6 of said act be amended so as to read as follows: "Sec. 6. Be it further enacted. That in all civil cases at law in said County Court the defendants therein shall be required by the summons therein served upon them to appear and plead or demur to the complaint within thirty days after the service of summons and complaint upon them, whether such service shall be in term time or in vacation, and whether the expiration of said thirty days fall in term time or vacation. In cases commenced otherwise than by suing out service of summons and complaint, defendants shall appear and plead or demur within thirty days after the perfection of service, notice of publication upon them, whether the same shall

occur in term time or in vacation; and in all cases, after thirty days from such service, notice or perfection of publication, such cause shall be at issue and triable at any time when the same may be reached on the docket. Any defendant failing for more than thirty days after such service, notice or perfection of publication, in any cause to appear therein, plead or demur, shall be held to be in default, and judgment by default may be rendered against him at any time thereafter on motion of plaintiff or party entitled thereto, made in term time: Provided, that for good cause shown the judge of said Court may allow pleas or other defenses to be filed, and after thirty days, on such terms as he may think just."

Sec. 3. Be it further enacted, That section 9 of said act be and the same is hereby amended so as to read as follows: "Sec. 9. Be it further enacted, That there shall be elected a solicitor for said Court, by the joint ballot of the General Assembly, whose term of office shall continue for four years and until his successor is elected and qualified, which shall be done in the same manner at the end of each four years thereafter, beginning at the end of the term of office of the present solicitor. Such solicitor shall be learned in the law, and at the time of his election and during his continuance in office, shall be a resident citizen of Cleburne county. Said solicitor shall be charged with the performance of the same duties in said Court and subject to the same liabilities and penalties thereto as by law are imposed on circuit solicitors in like cases in the Circuit Courts of the State; and such solicitor shall receive for his compensation for such services the same fees as are taxed by law for solicitors' fees in criminal cases in the Circuit Courts of the State, to be taxed and collected in said County Court in the same manner as such fees are taxed and collected in said Circuit Courts: Provided, however, that the total fees paid said solicitor shall not exceed one thousand dollars per annum, and the balance of such fees collected, over and above one thousand dollars, shall be paid to the county treasurer of Cleburne county, and by him placed to the fine and forfeit-

ure fund of said county. The solicitor of said Court shall have a claim against the fine and forfeiture fund of said county for his fees in cases where convictions are had and fees cannot be collected: Provided, that he shall have such claim only in case the aggregate amount of salary in fees received by him for any one year shall fall below one thousand dollars, and for the purpose of making up the deficit in his salary to him, which shall be paid as other claims against said fund are paid: (Provided, that when any person is convicted of a felony in said County Court and sentenced to imprisonment in the penitentiary, the solicitor's fee in said case shall be paid to the solicitor of the County Court out of the convict fund in the same manner as now provided by law for the payment of other costs from said fund)."

Section 10
amended

Jury terms

Sec. 4. Be it further enacted, That section 10 of said act be and the same is hereby amended so as to read as follows: "Sec. 10. Be it further enacted, That there shall be two jury terms of said Court in each year for the trial of felonies and all misdemeanors and civil causes in which trial by jury shall be demanded, one to commence on the third Monday in January and one on the third Monday in July, and may continue until the business of the Court on the jury docket shall have been disposed of, not to exceed two weeks at any one jury term; and that grand and petit jurors for said Court shall be drawn, summoned and impaneled in the same manner as is now provided or may hereafter be provided by law for drawing, summoning and impaneling jurors for the Circuit Courts, and venires for such juries shall be issued at least twenty days before the day on which said jurors are drawn to serve, and in the same manner as they are issued in and for the Circuit Courts, and said County Court shall have the same power and authority to order special venires and to summon, swear and impanel tales jurors as the Circuit Courts of the State: Provided, that juries for the trial of capital cases shall be drawn, summoned and impaneled as is now or may be hereafter provided by law for drawing, summoning and impaneling juries for the trial of capital cases in the Circuit

Courts of the State. The challenges of jurors shall be the same in said County Court, as is now, or may hereafter be provided by law, in the Circuit Courts of the State, and all laws applicable to jurors and juries in the Circuit Courts of the State shall apply equally in said County Court, except as otherwise provided by this act: Provided, that grand juries shall be summoned to attend said Court on the first Mondays in January and July in each year, when they shall be organized and impaneled, and may continue in session until the business before them is disposed of, not, however, to exceed two weeks at any one term: Provided, further, that whenever in the opinion of the judge of said Court, it is necessary to organize a grand jury for the investigation of any capital offense, or of any homicide, or any assault with intent to ravish, committed in said county, the judge of said Court may, by an order made and entered on the minutes of said Court, order a special grand jury, drawn and summoned for that purpose, and may organize, impanel and charge such special grand jury, and said grand jury shall proceed at once to investigate the matter for which it was organized, after which it shall adjourn; and the judge may in like manner order a special petit jury, drawn and summoned for the purpose of trying any person indicted by said special grand jury, and may proceed to organize and impanel such special petit jury to try such cause at any time he may deem such proceeding necessary."

Special juries

Sec. 5. Be it further enacted, That section 20 of said act be and the same is hereby amended so as to read as follows: "Sec. 20. Be it further enacted, That within ten days after the rendition of any judgment or decree in said Court unless said judgment or decree direct otherwise, the clerk of said Court, unless ordered in writing not to do so, entered upon his order book, kept for that purpose, and signed by the person entitled thereto, or his attorney or agent, shall issue execution, in term time or in vacation, returnable to the present or to the next term of said Court, but the return day shall not in any case be more than six months from the date of its issuance."

Section 20
amended
Issue of
executions

ance; and in like manner upon the order of the party entitled to the proceeds thereof, he shall execute any order and decree of sale of any real estate or personal property for which a decree of sale has been rendered in equity in said Court, after complying with the rules governing registers in chancery for the sale of real or personal property in this State: Provided, nothing herein contained shall prevent any person from making affidavit and having execution issued immediately, as now provided by law: and, provided, further, that nothing herein contained shall prevent the superseding of executions after issuance of same, upon filing bond as now required by law."

Sec. 6. Be it further enacted, That said act be further amended by adding thereto, after section 32 thereof, the following: Sec. 32½. Be it further enacted, That for all services rendered in the County Court by the clerk of said Court and by the sheriff of said county for which no fees are prescribed by law, they shall receive the same compensation, to be paid in the same manner as for similar services rendered by them in the Circuit Court.

Fees

Approved December 9th, 1898.

No. 55)

AN ACT

(S. 104

To repeal an act to extend to the fire companies in the City of Montgomery the benefit of the provisions of "An act to raise a fund for the benefit of the fire companies in the City of Mobile," approved March 1st, 1870; approved February 26th, 1872, and to repeal an act to declare the meaning of an act to extend to the fire companies in the City of Montgomery the benefit of the provisions of an act to raise a fund for the benefit of the fire companies in the City of Mobile, approved February 26th, 1872; approved February 28th, 1873.

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That an act to extend to the fire com-

panies in the City of Montgomery the benefit of the provisions of "An act to raise a fund for the benefit of the fire companies in the City of Mobile," approved March 1st, 1870, approved February 26th, 1872, and an act to declare the meaning of an act to extend to the fire companies in the City of Montgomery the benefit of the provisions of an act to raise a fund for the benefit of the fire companies in the City of Mobile, approved February 26th, 1872; approved February 28th, 1873, be and the same hereby are, each, separately and severally repealed: Provided that nothing in this act contained shall be construed, or have the effect, to relieve any fire insurance company, association or corporation from the payment of any sum or sums due said fire department and unpaid, under the law hereby repealed, or under any law existing at the time of the passage of this act; nor to effect, in any manner, any suit for the recovery of such sum or sums or of penalties for failure to pay the same, now pending, or which may be brought under such existing laws.

Approved December 8th, 1898.

No. 56)

AN ACT

(S. 77

To remove the disabilities of non-age of Drury Long, a minor, under eighteen years of age.

Section 1. Be it enacted by the General Assembly of Alabama, That Drury Long, a minor, under the age of eighteen years, residing in the County of Pickens, in the State of Alabama, be and he is hereby relieved from all of the disabilities of non-age, and shall have the right to sue and be sued, contract and be contracted with, to buy, sell and convey real and personal property, and generally to do and perform all acts which such minor could lawfully do if he were twenty-one years of age.

Approved December 8th, 1898.

No. 57)

AN ACT

(H. 11

To provide for the registration and lien of judgment for the payment of money in the Courts of justice of the peace in Dale, Coffee, Tallapoosa, Marengo, Clarke, Choctaw, Washington and Coosa counties.

Plaintiffs may
file judgments

Section 1. Be it enacted by the General Assembly of Alabama, That the plaintiff or owner of any judgment rendered by the Courts of justice of the peace in Dale, Coffee, Tallapoosa, Marengo, Clarke, Choctaw, Washington and Coosa counties for the payment of money, may file in the office of the judge of probate of the respective counties certificates of the justice of the peace before whom such judgment was rendered, showing the amount and date thereof, the amounts of costs, and the names of the parties, which certificate shall be registered by the judge of probate of said counties in a book to be kept by him for that purpose, which register shall also show the date of filing and the name of the owner of such judgment, and every judgment so filed and registered shall be a lien upon the property of the defendant in the county in which said judgment is rendered which is subject to levy and sale under execution in said Court, and such lien shall continue for five years from the date of such registration. The registration of such judgment shall be notice to all persons, of the existence of such a lien.

Fee of probate judge

Sec. 2. Be it further enacted, That the probate judge shall be entitled to receive a fee of 20 cents for each judgment so registered.

Laws applying to

Sec. 3. Be it further enacted, That the laws relating to the entry of credits and satisfaction of mortgages shall apply to the entry and credits and satisfaction of liens by this act.

Fee of justice of peace

Sec. 4. Be it further enacted, That the justice of the peace shall furnish, on demand, by the owner of the judgment, a certificate of the same; and said justice of the peace shall be entitled to receive a fee of twenty-five cents for each certificate to be paid by the owner of said judgment.

Sec. 5. Be it further enacted, That an execution may issue at any time within five years from the date of filing the certificate of said judgment for record in the office of the judge of probate in said counties, and said execution to be issued by the justice of the peace that rendered the judgment or his successor in office, and the justice of the peace that issues the execution must endorse on the execution the date that said judgment was rendered, said date of recording to be furnished the justice of the peace by the plaintiff or owner of the judgment upon the production to said justice of the peace of said recorded certificate of said judgment.

Execution
may issue

Sec. 6. Be it further enacted, That judgments rendered in Courts of justices of the peace in Dale, Coffee, Tallapoosa, Marengo, Clarke, Choctaw, Washington and Coosa counties may be recorded, as herein provided within six months from the passage of this act, and judgments rendered in said Court after the passage of this act, must be recorded within six months after the rendition thereof, and if not recorded, shall not operate as a lien as herein provided.

When
recorded

Approved December 8th, 1898.

No. 58)

AN ACT

(H. 27

To confer additional powers and authority on The Alabama State Land Company, a body corporate existing under the laws of Alabama.

Additional
powers
granted

Section 1. Be it enacted by the General Assembly of Alabama, That the following additional powers and authority be and the same are hereby granted to and conferred upon The Alabama State Land Company, a body corporate existing under the laws of the State of Alabama (a) said, The Alabama State Land Company shall have power and authority to except conveyances of land, and to hold the same in trust for the use and benefit of the Alabama Coal, Iron, Land and Colonization Company, Limited, a corporation existing under the laws of the

Substitution

Kingdom of Great Britain. (b) Said, The Alabama State Land Company shall have power and authority to accept the trust, and to be substituted for Charles Schiff and W. W. Bond, trustees of all lands now held by said trustees, for the use and benefit of said The Alabama Coal, Iron, Land and Colonization Company, Limited, when the same shall have been conveyed to said The Alabama State Land Company. (c) Said, The Alabama State Land Company shall have power and authority to execute and perform any trust which may be reposed in it, either by the Alabama Coal, Iron, Land and Colonization Company, Limited, or by Charles Schiff and W. W. Bond trustees; and for such purpose shall have power to become the grantee of any lands in trust, and to sell and convey the same in a manner which shall be provided in any trust deed made by said The Alabama Coal, Iron, Land and Colonization Company, Limited, or by said Charles Schiff and W. W. Bond, to said, The Alabama State Land Company.

Approved December 8th, 1898.

No. 59)

AN ACT

(H. 83)

To provide for the disposition of certain funds in the county treasury of Covington county

Fine and forfeiture fund

Section 1. Be it enacted by the General Assembly of Alabama, That the county treasurer of Covington county be, and he is hereby authorized and required to make a report in writing to the Court of County Commissioners at the first general term of said Court to be held in the year 1899, and annually thereafter, of all moneys in the county treasury belonging to the fine and forfeiture fund which have been in the said county treasury for a period of five years or more, describing in such report each certificate for the payment of which the said funds are held, the names of the parties to the cases in which, and the names of the witnesses to whom they were issued.

Sec. 2. Be it further enacted, That said Court of County Commissioners shall, if the said report is found to be correct, order that notice shall be given by advertisement in some newspaper published in said county, once a week for three successive weeks, of the filing of such report; said notice to embrace the said report, and that unless the certificate or certificates thus reported and advertised shall be produced, or proof of the loss or destruction of the same, to the county treasurer within sixty days after the expiration of the time of publication of such notice, the same shall be barred, and shall not afterwards be paid by the county treasurer; and the said funds shall be paid out by the county treasurer to the holders of other claims against the said fine and forfeiture fund in the order of their registration.

Notice by
advertis-
ment

Time barred
in if not
presented

Approved December 8th, 1898.

No. 60)

AN ACT

(H. 86

To make valid and chargeable against the fine and forfeiture fund of Crenshaw county, Alabama, certain witness script or witness certificates issued by the foreman of the grand juries of Crenshaw county, Alabama, and have said script or witness certificates paid by the treasurer of said county in the order of their registration.

Section 1. Be it enacted by the General Assembly of the State of Alabama, That certain witness script or witness certificates heretofore issued by the foreman of the grand juries of Crenshaw county, Alabama, to witnesses attending before the grand juries of said county, and which have been duly registered with the treasurer of said county, be and the same are hereby made valid and chargeable against the fine and forfeiture fund of said county and be paid in all respects as if they had been legally issued by the clerk of the Circuit Court of said county in the first instance. And the treasurer of Crenshaw county, Alabama, is hereby authorized and directed to pay out of the fine and

Certificates
by foreman
of grand
jury valid

Payment of

forfeiture fund of said county, in the order of their registration, the said outstanding witness script or witness certificates, issued by the foreman of videl, that the holders of the aforesaid registered claims shall, before the payment of the same, furnish to the clerk of the Circuit Court a list of their several claims, with amount thereof, and said clerk shall certify to the treasurer of said county that said claims have been reported to him.
the grand juries of said county as aforesaid: Pro-
Approved December 8th, 1898.

No. 61) AN ACT (H. 233

To relieve Lula R. Hudson, a minor, of the disabilities of non-age.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That Lula R. Hudson, a minor, under the age of eighteen years, of Crenshaw county, Alabama, be and is hereby relieved from the disabilities of non-age; and is hereby invested with the right to sue and be sued, contract and be contracted with, to buy, sell and convey real or personal property, and generally to do and perform all things which such minor could lawfully do if twenty-one of age.
Approved December 8th, 1898.

No. 62) AN ACT (H. 246

To relieve Lawton Boyd, a minor, residing in Macon county, Alabama, of the disabilities of non-age.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That Lawton Boyd, a minor, residing in Macon, county, Alabama, be and he is hereby relieved of all the disabilities of non-age and is invested with the right to sue and be sued, to contract and be contracted with, to own, buy, sell and convey real estate, and generally do and perform all acts which he could lawfully do if twenty-one years of age.

Approved December 8th, 1898.

No. 63)

AN ACT

(H. 293)

To establish, maintain and regulate a dispensary in the Town of Clayton, County of Barbour, Alabama, for the sale of spirituous, vinous, malt liquors, cider and other intoxicants, and to establish and perpetuate a board of commissioners for the management of said dispensary and for other purposes.

Section 1. Be it enacted by the General Assembly Incorporated of Alabama, That from and after the passage of this act, the intendant and board of councilmen now in office in the Town of Clayton, and their successors in office, be and the same are hereby constituted a body corporate, under the name and style of "The Name and style of Dispensary Commissioners of Clayton, Ala.," for the purpose of establishing and maintaining a dispensary in said town, for the sale of spirituous, vinous, malt liquors, ciders, and other intoxicants. That the intendant shall be ex-officio chairman of Powers said board, and the clerk and treasurer of the Town of Clayton shall be ex-officio the secretary and treasurer of said commission. Said board of commissioners shall have power to sue and be sued, plead and be impleaded, in all the courts of the State of Alabama.

Sec. 2. Be it further enacted, That the dispensary Maintain a Dispensary commissioners provided for in this act must maintain at some convenient point in the Town of Clayton, within the fire limits of said Town of Clayton, a dispensary for the sale of ardent, spirituous, vinous, and malt liquors, ciders and other intoxicants. They shall on the day of their organization and annually thereafter elect a man who shall be of good moral character and sober habits, to be known as the dispensary manager, who shall have charge and Manager control of said dispensary, under their control, and who may appoint such other help as may be necessary to properly conduct the affairs of the dispensary, but with the consent and approval of the board of commissioners. Said manager shall be chosen for one year, but shall be removable at any time Term by said board of commissioners for neglect of duty,

	or violation of any law, and said commissioners shall fill his place at once. Said dispensary manager shall be required to take and subscribe an oath that he will faithfully and honestly discharge the duties required of him by this act, and shall give bond to be approved by the board of commissioners in the sum of five hundred dollars, conditioned to faithfully account for all goods and moneys that may come into his hands as such manager and for the faithful performance of such duties as are required of him by this act, and by such rules and regulations as the board of commissioners may enact. He shall receive such salary as the board of commissioners may fix, and his compensation shall not be dependent upon the amount of his sales. That his assistants when appointed shall receive a salary to be fixed by said board of commissioners.
Bond	
Salary	
Stock to keep	Sec. 3. Be it further enacted, That said manager shall under the direction of said board of commissioners, at all times keep, under the supervision of said board of commissioners, a stock of spirituous, vinous and malt liquors, ciders and other intoxicants in such quantities as the board of commissioners may direct. All bills incurred for the maintenance and operation of said dispensary from time to time shall be paid by the treasurer upon presentation, approved by the board of commissioners, or a majority thereof. Said manager shall sell only for cash, and shall turn over all moneys received by him to the secretary and treasurer of said board of commissioners, taking his receipt for the same in every instance, who shall keep an accurate account of the same and report same to the president of the board of commissioners once a week.
Payment of bills	
Sell for cash	
Weekly reports	
Rules and regulations	Sec. 4. Be it further enacted, That said dispensary commissioners shall make from time to time rules and regulations for the operation of said dispensary, not in conflict with the provisions of this act, the quantity of liquor to be sold to any one person or purchaser, at one time, shall not exceed four gallons, and in no event shall liquors be furnished in quantities less than half a pint, and none shall be drunk upon the premises, or in the building where said dispensary is located. Said dispensary shall not be opened before sunrise and must be

closed at six o'clock p. m. each day and shall remain closed on Sundays and election days, the day before election days and such other days as the commissioners may order it closed. Said manager shall be bound by all the laws of this State regulating the sale of liquors save when they conflict with provisions of this act, and all the regulations prescribed by the board of commissioners not in conflict with the laws of this State and the provisions of this act.

Sec. 5. Be it further enacted, That the manager of said dispensary shall sell to no person or persons any of said ardent spirits, vinous, or malt liquors, cider or other intoxicants, except in sealed packages, and he shall not keep any broken packages in said dispensary, and whenever an original package is broken, it shall be at once bottled up and sealed. Said manager shall make a monthly report to said commissioners, showing the amount of sales for the preceding month, and stock on hand on the last day of said month. Said commissioners may cause an inspection and an analysis of the stock on hand from time to time by a competent chemist, the expenses to be paid out of any funds in the hands of the treasurer.

Sec. 6. Be it further enacted, That said manager shall not permit any loitering or loafing about the dispensary premises, and for failure to enforce this provision, may be removed from office. And any person refusing to leave said premises may be tried before the mayor of said Town of Clayton and fined under the ordinances which said board of mayor and councilmen of the Town of Clayton may enact for the regulation of said dispensary.

Sec. 7. Be it further enacted, That the mayor and board of councilmen of the Town of Clayton shall have power to pass all ordinances necessary to the carrying out the purposes of this act, and to provide suitable penalties for the violation of any of its provisions.

Sec. 8. Be it further enacted, That said dispensary shall be maintained and operated from the profits arising from the sales of said spirituous, vinous or malt liquors, ciders and other intoxicants: Provided, That to inaugurate said dispensary and

Sealed packages

Monthly reports

No loafing about premises

Powers of Mayor and council

Maintained from the profits

- purchase the first stock, said board of commissioners are hereby authorized to borrow money or pledge the credit of the board, said obligation to be paid out of the first sales and profits realized from said dispensary.
- May borrow
- Dispose time of profits
- Sec. 9. Be it further enacted, That the profits arising from the sales of liquors, wines, etc., in said dispensary, after all debts and demands against said dispensary are paid and discharged, shall be paid by the treasurer of the board over to the treasurer of the Town of Clayton, to be placed in the general fund, and disbursed by order and appropriation of the town council of Clayton.
- Pay of commissioners
- Secretary and treasurer
- Sec. 10. Be it further enacted, That the dispensary commissioners appointed by this act, shall receive as compensation, for their services as such commissioners, the sum of twenty-five dollars per annum, and the secretary and treasurer of said board of commissioners shall receive as a salary for such services, the sum of one hundred and fifty dollars, to be paid out of the net proceeds of the dispensary.
- May suspend or discontinue
- Sec. 11. Be it further enacted, That said board of commissioners shall have full power and authority at any time they deem it for the best interests of said Town of Clayton, Ala., to suspend or discontinue said dispensary by closing out all stock on hand.
- No license to be granted
- Sec. 12. Be it further enacted, That on and after the passage of this act the town council of Clayton, Ala., is hereby prohibited from issuing, granting or renewing any license for the sales of any spirituous, vinous, or malt liquors, ciders or other intoxicants within the corporate limits of said Town of Clayton: Provided, nevertheless, that should the dispensary commissioners at any time determine to permanently discontinue the dispensary as authorized in the 11th section, then the city council of Clayton is hereby authorized to resume the control of the liquor traffic of said town.
- When take effect
- Sec. 13. Be it further enacted, That this act shall take effect and become operative immediately upon its passage.

Sec. 14. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby expressly repealed. Repeal

Approved December 9th, 1898.

No. 66)

AN ACT

(H. 392

To establish a board of commissioners of police for the City of Bessemer, Alabama, to provide for the appointment of such commissioners, to define their powers and duties, and to regulate the police department of said city.

Section 1. Be it enacted by the General Assembly of Alabama, That the governor of the State shall appoint a board of commissioners of police for the City of Bessemer, in Jefferson county, consisting of five (5) members, neither of whom shall be a member of the city council of said city. The first appointment shall be made immediately after the passage and approval of this act. The terms for which the members of the board of commissioners of police shall be appointed are as follows: Two (2) for the term of one (1) year, two (2) for the term of (2) years, and one (1) for the term of three (3) years. Governor to
appoint
commis-
sioners
Terms
Should a vacancy occur in said board from any Vacancies other cause than the expiration of a regular term, the governor shall immediately make an appointment to fill such vacancy, and such incumbent shall hold to the end of the unexpired term and until his successor is appointed and qualified. Each regular term shall begin at the date of appointment and continue as herein declared and until his successor is appointed and qualified.

Sec. 2. That each member of said board, before entering on the duties of his office, shall take and subscribe to the following oaths: "I swear that I will faithfully and impartially demean myself as a commissioner of police of the City of Bessemer, during my continuance in office. I have not in order to influence my selection to the office of commissioner of police of the City of Bessemer, directly or indirectly, expressly or impliedly, promised my vote or Oath of com-
missioners

support to any person for any office in the city of Bessemer. I will not knowingly permit my vote in the election or appointment of any person on the police force, to be influenced by fear, favor or affection, reward, or the hopes thereof; but in all things pertaining to my said office, I will be governed by my convictions of the public good." The oath shall be entered in the minutes of the proceedings of the board, and the original shall be filed in the office of the city clerk.

Powers of board Sec. 3. That the said board of commissioners of police of the City of Bessemer shall have the sole and exclusive power, and it shall be their duty, as soon as they are appointed and qualified, to appoint a chief of police, and such other officers and patrolmen as they may from time to time deem necessary, for the proper protection of said city, and this power of appointment shall extend to both regular and unexpired terms. They shall elect one of their number president and keep a record of their proceedings, and one of said board shall act as clerk or secretary thereof. They shall hold a stated meeting each month and such other meeting as the police interest of said city may from time to time require. Three shall constitute a quorum with power to transact business. Said board of commissioners shall exercise full and exclusive control and direction of said officers and members of the police force, and shall have the exclusive power to establish and ordain rules and regulations for their government. Said board shall also have the exclusive authority and power to prescribe the salaries of the police officers and patrolmen, and such salaries shall not be increased during the terms of said officers. And said board may issue its warrants monthly upon the treasurer or other disbursing officer of said city for the payment of the police department.

Police force

Salaries of police

Term of chief Sec. 4. That the term of the chief of police shall be for (2) two years and until his successor is elected and qualified, unless sooner removed, for cause as hereinafter provided, and said board of commissioners shall have the exclusive power of fixing the terms of all other officers under their control. Said board shall have the exclusive right and it shall be

their duty to prescribe the oath of office for the several members of the police force which are hereby placed under their control, and also to prescribe the amount and condition of their official bonds, and to approve said bonds. The bonds shall be payable to the City of Bessemer, and the oaths of office may be administered by the president of said board, or by any notary public or justice of the peace in the County of Jefferson.

Duties of
board

Sec. 5. Be it further enacted, That said board of commissioners shall also have the exclusive power and authority to appoint the warden of the city prison and a policeman to take charge of the city convicts working in the streets, and to have control of same, and of said prison, and to fix the compensation of said officers to be paid as other members of the police department are paid. Said board of commissioners shall also have exclusive power and authority to confer police powers on private watchmen, to be exercised upon or about the premises where appointed, but no compensation or pay shall be allowed or paid by the city to such private watchmen for such services. Said board shall also have the right upon any emergency, when in their judgment the public necessity demands it, to appoint such number as special policeman as may be necessary to preserve the peace, or protect property, such appointment not to continue longer than ten days at any one time, or the necessity therefor shall exist. Said appointments to be held at the pleasure of said board and their compensation not to exceed that of the officers of the regular force, and to be paid in the same manner. Said board are authorized to make an order upon the clerk and treasurer of said city for such books, stationery and postage stamps as the needs of the police department shall require, and it shall be his duty to furnish same.

Warden of
city prison

Board may
confer
police powers

Special
policemen

Books, stationery, etc

Sec. 6. That the chief of police and other regular officers of the police force are not removable at the pleasure of said board, but the chief of police, or any other officer of the police force, failing or refusing to perform any duty required by law, or city ordinance of the rules and regulations adopted by said board of commissioners for the government of

Removal for
neglect of
duty

the force, may be suspended or removed from office by the board of commissioners of police. The mode of preferring accusations against members of the police force and the procedure for their trials shall be prescribed by said board of commissioners and said board of commissioners shall also prescribe the manner of suspending, till trial, the officers of the force, when accusation is brought, and in all such cases the board may make appointments to the office or place of the suspended officer, and such appointment shall continue during the suspension.

Repeal

Sec. 7. That all laws and parts of laws both general and special, in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved December 9th, 1898.

No. 67)

AN ACT

(H. 407)

To provide for the more efficient working of the public roads in Wilcox county and for the appointment of road supervisors in the several precincts therein.

Road super-
visors

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the Court of County Commissioners or board of revenue of said county, at their first regular term after the passage and approval of this act, to appoint a road supervisor for each election precinct in said county who shall possess the necessary qualifications for the proper discharge of the duties of his office, and who shall serve two years from the date of his appointment, unless sooner removed by the Court of County Commissioners, or board of revenue, and said Court or board is hereby authorized to fill all vacancies which may occur in the office of road supervisor, and such person so appointed shall hold office for the unexpired term and until his successor is appointed and qualified.

Bond

Sec. 2. Be it further enacted, That such road supervisor shall, before entering upon the duties of his office, be required to give bond in such amount as may be prescribed by the Court of County Com-

missioners, or board of revenue, payable to the County of Wilcox, and conditioned for the faithful performance of his duty as such road supervisor and shall take and subscribe an oath to be administered by any officer authorized by law to administer oaths, that he will, to the best of his ability, discharge all the duties of his office. Said bond shall be approved by the judge of probate, and be, together with the oath herein required, filed in the office of the probate judge of said county.

Sec. 3. Be it further enacted, That such road supervisor shall have control and supervision of the overseers and public roads in his election precinct or beat, and said supervisor shall have the authority and it shall be his duty to direct and specify the character and manner of working the several roads in his precinct or beat, having respect to the rules and directions of the Court of Commissioners, or board of revenue, and it shall be the duty of the overseer to work the public roads of which he is appointed, as directed by said supervisor, and any failure on the part of any overseer to comply with the directions or specifications of said supervisor shall be deemed a misdemeanor, and he shall be reported by said supervisor to the grand jury of said county, and upon the trial of any cause arising therefrom, if found guilty, he shall be punished by fine not exceeding twenty-five dollars. And said supervisor shall have authority to remove any overseer failing to comply with said directions or instruction and to appoint persons to fill such vacancies, who shall hold their office for the unexpired term of their predecessors in office, and notice of such appointment shall be given to the probate judge of said county, who shall cause the commission to issue to appointee, to be served by the sheriff of said county.

Control of
overseers
and roads

Penalty on
overseer

Power to re-
move over-
seer

Sec. 4. Be it further enacted, That it shall be the duty of said supervisor to make careful inspection of all the public roads in his respective precinct or beat once every quarter or term of three months and report under oath their condition to the Court of County Commissioners, or board of revenue, at their first term thereafter, said report to be in writing, and it shall be the duty of said Court of Com-

Duties of
supervisor

missioners or board of revenue to keep said reports of inspection on file and submit the same to the grand juries of said county at their sittings therein. And it shall be the duty of said supervisors to appear before the grand juries of said county to verify said report and to give any other information pertaining to said roads, overseers, and hands in his precinct, that the said grand juries may desire to be informed upon.

Sec. 5. Be it further enacted, That it shall be the duty of said supervisor, whenever he inspects the roads of his precinct to make also a careful inspection of all the bridges of his precinct, and bridges or streams dividing his district from others, and report their condition to the board of revenue, or Court of County Commissioners, and if any bridges shall be deemed unsafe for public use, he shall immediately post a notice conspicuously at such bridge, notifying the public that the bridge is unsafe.

Removal of
supervisor

Sec. 6. Be it further enacted, That the Court of County Commissioners, or board of revenue, may remove any road supervisor from office for failure to properly perform any of the duties required of him and may direct suit to be brought in the name of the county on his official bond for any breach of the condition thereof, and all damages recovered by such suit shall be paid into the county treasury to be used on the public roads of said county.

Tools and
teams

Sec. 7. Be it further enacted, That the overseers in said county shall in warning hands to work on the public roads specify the kinds of tools and teams such hands shall furnish, but no hand shall be required to furnish any team unless he owns the same; and when a hand is warned to furnish and does furnish a horse and plow or mule and plow, he shall be allowed two days credit on his time of working for the use of each horse and plow or mule and plow and a like credit for a one-horse wagon and team, and for a two-horse wagon and team a credit of four days.

Dismissal of
hands

Sec. 8. Be it further enacted, That overseers shall dismiss from service on the road any hand whether working for himself or as a substitute, who shall fail to do good and sufficient work, or who shall hinder other hands, or who shall be intoxicated, or

who may refuse to obey any reasonable direction or order of the overseer, or who shall spend his time in idleness or inattention to the work assigned him; and he shall proceed against such hand as though he had failed or refused to obey the notice to work said road. Proceedings
against

Sec. 9. Be it further enacted, That if any overseer or supervisor shall wilfully fail or refuse to perform any duties required of them by this act he shall forfeit and pay not more than twenty-five dollars for such failure or refusal, to be recovered by any person suing therefor, in the name of the county, before any justice of the peace or notary-public, which shall be paid by the officer collecting the same into the county treasury and for neglect in keeping the highways in good repair, any overseer or supervisor may be indicted and upon conviction may be fined not more than fifty dollars, and the judge of the Circuit Court shall give this act in special charge to the grand jury. Penalty for
failure to
perform
duty

May be in-
dicted

Sec. 10. Be it further enacted, That said supervisor shall, as compensation for his services as such, be entitled to three dollars (\$3.00) for every quarterly inspection of all the roads in his election precinct or beat, to be paid out of the general fund of the county, upon a warrant drawn by the probate judge and approved by the board of revenue or Court of County Commissioners and whenever he has served in the capacity of overseer on any road or roads in his precinct, he shall be entitled to one dollar and fifty cents per day to be allowed and paid in the same manner as is his compensation herein provided for his services as supervisor. Pay of super-
visor

Sec. 11. Be it further enacted, That said supervisor shall have the power and authority to warn for road service a road hand or person liable for road duty anywhere in his precinct to any road therein: Provided, that no person is liable to work on public roads every part of which is over six miles from his residence, or to work more than ten days of eight hours each, not counting the days engaged in opening new roads. Power to
warn

Sec. 12. Be it further enacted, That all persons liable to work on the public roads are liable to work eighty hours in each calendar year, but persons ar- Liable to
work eighty
hours each
year

living at the road age during the year and persons coming into said county during the year shall be liable at the rate of (80) eighty hours per year for the remainder of the year.

When roads
out of
repair

Sec. 13. Be it further enacted, That if any road in any precinct is out of repair, and the overseer of said road refuses or neglects to repair the same for a space of ten days after having been notified by the road supervisor to do so, it shall be the duty of said supervisor to warn out the hands or persons liable for road duty on said road, and of such other roads as he may deem necessary for putting the said road which is out of repair in good condition, and his compensation for such services shall be one dollar and fifty cents per day while so engaged, which shall be paid on a warrant drawn on the county treasury in the same manner in which he receives his pay for services as supervisor: Provided, he shall not work the same hands more than three days at one time, and shall not work at any time with a squad of less than ten nor more than thirty hands.

Sec. 14. Be it further enacted, That if it is brought to the notice of the road supervisor in any way or manner that any road in his precinct is out of repair, it shall be his duty to notify the overseer of said road at once, and if the same continues to remain out of repair for a period of ten days thereafter, it shall be the duty of said supervisor to repair the same himself under the provisions of the next foregoing section of this act and while acting in the capacity of and for said overseer he shall have all the power, authority and command of an overseer, and in warning hands, working roads, etc., he shall be governed by the law now applicable and pertaining to overseers and any person liable to road duty who refuses to observe the notice to work of said supervisor or to comply with his orders and instructions shall be deemed a road defaulter and may be prosecuted as such.

Pay to ex-
empt from
duty

Sec. 15. Be it further enacted, That any person liable to work on the public roads may procure exemption for the current year by paying to the supervisor of his precinct the sum of four dollars for which a receipt in duplicate shall be given; one

of said receipts shall be retained by the supervisor and forwarded with his quarterly report to the board of revenue or county commissioners and the other of said receipts shall be given to the person so procuring exemption, to be presented by him to the road overseer when warned out for duty upon the public road, and such receipt shall be prima facie evidence of the procurement of the exemption as provided for in this section, and it shall be the duty of overseers to report in writing, at the last term in each year of the Court of Commissioners, or board of revenue, a list of all persons liable to road duty on their respective roads who have procured exemption from the same by compliance with the provisions of this section.

Sec. 16. Be it further enacted, That when the said supervisor makes his quarterly report to the Court of County Commissioners, or board of revenue, as required by section four of this act, he shall accompany the same with a sworn statement of the amount he has collected during the quarter for exemption from road duty of persons liable for the same, and from whom and in what manner the same has been expended, and as compensation for said service he shall be entitled to a commission of ten per cent. on all amounts collected.

Quarterly
reports

Sec. 17. Be it further enacted, That the Court of County Commissioners, or board of revenue, of Wilcox county, is invested with a general superintendence of the public roads within said county and may establish new and discontinue old roads in the manner provided in the laws now in force and that may be enacted hereafter.

Superintend-
ence of
public
roads

Sec. 18. Be it further enacted, That the said Court is hereby invested with authority and power to use in each year a part of the taxes collected for the expenses of the county for the current year not to exceed the sum of two thousand dollars (1) in purchasing such tools, implements and road machines, and other articles as are necessary for working, improving, and keeping in good order the public roads in said county, (2) and in paying for the services of supervisors of the public roads employed or appointed by said Court (3) and in hiring wagons, wagon-teams and plow-teams for the use of the

Appropriation
of
county
funds

public roads, or it may work the county convicts on the public roads, or use the revenue derived from the hire of said convicts on said roads.

Rules and
regulations

Sec. 19. Be it further enacted, That the said Court is hereby invested with authority and power to make rules and regulations from time to time touching and relating to the public roads in said county, as it may deem necessary and proper to carry out the intent of this act, which intent is hereby declared to be to provide for opening, improving and keeping in good condition the public roads in said county, and it shall be the duty of said commissioners or board of revenue to take the oversight of the public roads in their respective districts; to recommend to the said Court suitable persons to be appointed as supervisors and overseers in the several precincts in their respective districts; to ascertain whether or not the overseers have worked the public roads in their districts properly; to report in writing to the judge of the Circuit Court of Wilcox county and to the grand juries whenever said Court meets the condition of the public roads in their respective districts, and the name of any overseer who has failed to perform his duty under this act and laws now in force, and whose roads are not in good condition.

Repeal

Sec. 20. Be it further enacted, That the laws of a general or special character in harmony with this act are unaffected by its provisions, but all laws of a general or special character in conflict with its provisions and purposes are hereby repealed.

This act to be
printed

Sec. 21. Be it further enacted, That the board of revenue, or Court of County Commissioners, shall have printed not less than five hundred copies of this act for the use of overseers, supervisors, grand juries, and other citizens of the county.

Approved December 9th, 1898.

No. 68)

AN ACT

(S. 23)

To fix the amount of the official bond of the register in chancery of Clark, Cullman and Escambia counties.

Section 1. Be it enacted by the General Assembly of Alabama. That the official bond of the register in chancery of Clark, Cullman and Escambia counties be fixed at the sum of two thousand dollars, to be approved by the probate judge of said counties or by the chancellor of the division in which said counties are located. Bond of register

Sec. 2. Be it further enacted, That the provisions of this act shall take effect from and after the approval of bond made in accordance with same. When act to take effect

Approved December 9th, 1898.

No. 69)

AN ACT

(S. 71)

To repeal an act entitled "An act to provide for the more efficient working of the public roads in Greene, Lowndes and Perry counties," and for the appointment of district road inspectors for Greene, Lowndes and Perry counties," approved February 12th, 1897, so far as the same relates to Greene county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act, "To provide for the more efficient working of the public roads in Greene, Lowndes and Perry counties, and for the appointment of district road inspectors for Greene, Lowndes and Perry counties," approved February 12th, 1897, be and the same is hereby repealed so far as the same relates to Greene county. Repeal

Approved December 9th, 1898.

No. 70)

AN ACT

(S. 157)

To prohibit the sale, giving away or otherwise disposing of vinous, spirituous, or malt liquors, intoxicating bitters or cordials, within four miles of Hargrove Methodist church, Pickens county, Alabama, but this act shall not take effect before the 1st day of January, 1899.

Prohibition

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person to sell, give away or otherwise dispose of any vinous, spirituous or malt liquors, intoxicating bitters or cordials, within four miles of Hargrove Methodist church, in Pickens county, Alabama.

Repeal

Sec .2. Be it further enacted, That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than two hundred dollars: Provided, however, this act shall not take effect before the 1st day of January, 1899.

Approved December 9th, 1898.

No. 71)

AN ACT

(S. 31)

To incorporate the Walnut Grove Baptist College at Walnut Grove, Etowah county, Alabama.

Incorporators

Section 1. Be it enacted by the General Assembly of Alabama, That W. L. Culbertson, J. A. Hurst, W. L. Ellison, F. G. Donohoo, J. T. Campbell, H. W. Head, Louis Turner, W. L. Goodwin, W. T. Murphree, G. N. Milner and their successors in office, shall be and are hereby declared and created a body corporate under the constitution and laws of Alabama, by the name and style of the trustees of the Walnut Grove Baptist College, in the town of Walnut Grove, Etowah county, Alabama, and by the name of Walnut Grove Baptist College, shall be able and capable of suing and being sued, and

Name and
style

shall have power to borrow money, receive donations and bequests for the use of such college, to purchase, sell, have and hold real estate and other property in perpetuity. Powers

Sec. 2. Be it further enacted, That said body corporate shall have power to pass all such rules, by-laws, and regulations, not inconsistent with the constitution and laws of the State of Alabama, as they shall see proper for the good government and proper regulation of said college, and shall have power to elect annually by a majority of the trustees present, a president, secretary and treasurer and other necessary officers from the members of said board of trustees, and to fill all vacancies in said offices, or in said board of trustees: Provided that vacancies in said board of trustees shall be so filled as to have three of the trustees, each from the Warrior River and Marshall Baptist Associations, two from the Etowah Baptist Association and two from the Walnut Grove Baptist church, to adopt a common seal and to alter said seal at pleasure, and to act without seal if they deem best as fully as if with seal under the laws of this state. Board of trustees

Sec. 3. Be it further enacted, That four of said trustees shall constitute a quorum for the transaction of business at any regular or called meeting. Quorum

Sec. 4. Be it further enacted, That such body corporate may by its trustees adopt and regulate a course of studies in said college, and the same is hereby empowered to grant to its pupils diplomas and certificates of proficiencies as rewards or evidences of merit and skill, having the same efficiency as those granted by colleges and other institutions of learning. Studies, diplomas, etc

Sec. 5. Be it further enacted, That said body corporate shall have power to elect professors and teachers for said college and shall hold an annual meeting at or after the close of each annual session for this purpose, and such professors or teachers, Bowron, and G. B. McCormack, and their assessors may be removed at pleasure at any meeting of said board of trustees. Professors and teachers

Approved December 9th, 1898.

No. 72)

AN ACT

(S. 41)

To incorporate the Ensley Steel and Pipe Company.

- Section 1. Be it enacted by the General Assembly of Alabama, That Nathaniel Baxter, Jr., James Bowren, and G. B. McCormack, and their associates, successors and assigns, be and they are hereby created a body corporate, under the name and style of the Ensley Steel and Pipe Company, and in and by that name and title shall have perpetual succession as a body corporate, and may sue and be sued, plead and be impleaded, borrow money and execute notes therefor, contract and be contracted with, adopt, use and alter at will a corporate seal, and exercise all the rights and franchises hereinafter granted.
- Sec. 2. Be it further enacted, That the capital stock of the said corporation shall be fifty thousand dollars, but the corporation shall have the right, after its organization, to increase its capital stock from time to time as the majority, in value, of the stockholders thereof, in convention assembled, shall determine, not to exceed the sum of fifty millions of dollars.
- Sec. 3. Be it further enacted, That the stock of said company shall be divided into shares of one hundred dollars, and in all meetings and conventions of the stockholders, each stockholder shall be entitled to cast, in person or by duly appointed proxy, one vote for each share of stock owned by such stockholder. Executors and administrators shall have power to represent the stock of his, her, or their testators or intestate; and guardians and trustees shall have power to represent the stock of their wards and cestui que trust.
- Sec. 4. Be it further enacted, That the persons named as incorporators in the first section of this act, or a majority of them, and such persons as shall join and become associated with them in the premises, shall meet at such time and place, in the City of Birmingham or at such other place in this State as they shall designate, and appoint, and at

such appointed time and place, shall proceed to take and receive subscriptions to the capital stock of said company, payable in such time and manner as may be agreed on by and between the majority of said corporators and associates acting with them, and the party or parties who may desire and propose to take the stock in said company, which business may be transacted or completed at any subsequent adjourned meeting or meetings, as may be deemed necessary, if not completed at the first meeting.

Sec. 5. Be it further enacted, That when as much as fifty thousand dollars shall have been subscribed, as authorized in the last preceding section, to the capital stock of said company, then at such time and place in said State of Alabama as may be determined by a majority in interest of the subscribers to the said stock, there shall be a meeting of the said subscribers for the purpose of organizing the said company by the election of a board of directors. Said board of directors shall be in number not less than three nor more than fifteen, as from time to time may be provided by the by-laws of said company, and said directors shall be chosen originally from the subscribers to the stock by ballot. The officers of said company shall be a president and secretary and treasurer, and such other officers as the board may deem necessary. The president of said company shall be elected by the board of directors from their own number, and the board of directors shall also select the other officers, and fix the compensation or salary of the president and officers. The president so chosen shall continue in office until the election of his successor, and the directors shall continue in office until the election of their successors by the subsequent convention of the stockholders, the time and place of holding which shall be designated by the meeting at which such directors are elected, or on its failure to do so, the time and place of such convention shall be fixed by the board of directors of which the stockholders shall have such notice as the board shall direct. The election of such directors and president as provided above, shall constitute the organization of said company: **Provided,**

Organization

Officers

Payment on
stock

that before such organization shall be perfected, there shall be paid to the treasurer of the company not less than one per cent. in cash upon the amount subscribed, in pursuance of the fourth section of this act, to the capital stock of the company.

Capital stock
may be in-
creased

Sec. 6. Be it further enacted, That after the organization of said company its capital stock may be increased by and with the consent of the persons holding the larger amount in value of its stock first obtained at a meeting of the stockholders of said corporation convened for the purpose of voting upon the proposition to be held after 30 days notice given by publication in some newspaper of general circulation published in the county where such corporation has its principal office, a copy of which shall be mailed to each stockholder, which notice shall explicitly state what increase is proposed to be made to the capital stock. If, at the meeting called in pursuance of this notice, the consent of the persons holding the larger amount in value of the stock of such corporation shall be obtained to a specified increase of the capital stock a report specifying the amount of increase consented to shall be made to the secretary of state. The said corporation shall have the right from time to time to increase its capital stock, and to take and receive additional subscriptions to its capital stock from time to time, and in doing so, may, as it may deem proper and advantageous, receive such additional subscriptions, payable in whole or in part, in real or in personal property, or in stocks, bonds, rights or franchises of other corporations, and may take and receive proper conveyances and transfers of such real estate and personal property in payment of such subscriptions for stock.

Annual meet-
ings

Sec. 7. Be it further enacted, That there shall be annual meetings or conventions of the stockholders of said company, at the principal office of the company at Birmingham, Alabama, or at some other place equally convenient to the stockholders to be fixed by the board of directors, for the election of the president and directors, and for the transaction of such other business relating to the interest of the company as such conventions, when

assembled, shall deem necessary or proper, of which convention such notice shall be given to the stockholders as said company, by by-laws or otherwise, may prescribe, or as may be directed by the board of directors on omission of the company to prescribe such notice: Provided, That omission or failure to hold any such convention within the time prescribed shall not have the effect to cause a dissolution or discontinuance of such company. In any convention of its stockholders a majority in value of the stock held or owned in said company by stockholders in person, or by their duly constituted proxies or agents, shall constitute a quorum competent to transact business binding on the company and its stockholders. The number of directors shall continue, as provided in the fifth section of this act, until otherwise provided by the company, and the company shall have power to increase or diminish this number from time to time as shall be deemed proper. The president and directors shall be elected for the term of one year, but may continue in office thereafter until the election and qualification of their successors. Any vacancy in the office of president or directors may be filled by the board of directors, a majority of whom will constitute a quorum for the transaction of business. Said company acting by its stockholders in convention, shall have power to enact all such rules and by-laws as may be deemed needful and proper for the management and carrying on its business, and may elect or appoint all such officers, other than president and directors, as may be deemed necessary or proper, and fix the tenure and qualifications of each, and prescribe rules for the transfer of stock by the respective stockholders.

Terms of
office

Quorum

Powers

Sec. 8. Be it further enacted, That the business of said company is hereby declared to be and shall be the mining and sale of iron ores, and coal, limestone and other minerals, the production and manufacture and sale of coke, iron and steel in their crude and finished state; and the manufacture of any product from iron and steel, including pipe, rails, boiler plates, armor plates and any and all products that may be manufactured of iron and steel, or that may be used in the building of ships;

Business of
company

Business of
company

and the said company shall have the right and power to conduct stores and sell merchandise of any and every kind and description, and said company shall have the right and power to buy land, either mineral or otherwise, and to lay off its lands into lots and parcels, and to lease, sell, donate and convey the same; make sales, donations or loans of any of its lands or other property, money or effects to individuals or to other corporations; and the said company shall have the right and power to build ships and to operate lines of steamships, tug boats or barges; to build and construct railroads or tramways and operate the same, charging for transportation or carriage reasonable fare or tolls, and use such motive power as may be deemed best on the property of said company or over such lines. Said company shall have the right and power to acquire and operate pipe shops, furnaces, steel plants, mills, factories, machine shops, foundries, and other industrial enterprises. Said company shall have the right and power to invest its funds or property in the capital stock of, and become a stockholder in, any other corporation formed or to be formed, or in the bonds of such corporations; and to retain or dispose of such stock in whole or in part at pleasure; to lease, construct and operate, or to assist persons or corporations in such manner as said company may deem desirable, in leasing, constructing and operating furnaces, factories, foundries or other industrial enterprises; to acquire, own, rent and sell houses and other improvements, and to improve its lands in such manner as it may deem fit. Said company shall have the right and power in accordance with the statutes of this State authorizing land to be condemned by writs ad quo damnum, to condemn such property and rights of way as may be necessary to enable said company to construct, erect and operate railroads and trainways.

May consoli-
date

Sec. 9. Be it further enacted, That the said Ensley Steel and Pipe Company is authorized and empowered to consolidate and amalgamate itself with other corporation or corporations, by a two-thirds vote of the stockholders of each such corporations, and form one general company under such name and style as may be agreed upon, and to issue and

apportion the stock of such consolidated corporations as may be agreed upon by said two-thirds of the stockholders in each of said corporations, and to take up if deemed proper and best, the individual stock of each company, and to replace it with stock of the general company, in such manner and amount as may be agreed upon by said two-thirds of the stockholders: Provided, that such amalgamated company shall keep an office in the State of Alabama, and thereupon such general company shall be invested with all the powers and franchises theretofore belonging to each and all of the several corporations so consolidating or amalgamating; provided further, that the rights and remedies of creditors shall not be affected by such consolidation.

Sec. 10. Be it further enacted, That said corporation shall have the power to unite, consolidate or connect the railways owned, operated or controlled by it, with any line of railways constructed or which may be constructed in this state, upon such terms as may be agreed upon between it and such other railway company; and for this purpose, power is hereby granted to it and to any other railway incorporated in this State to make and carry out such contracts by lease, purchase or otherwise, as will facilitate and consummate such connection or consolidation.

Sec. 11. Be it further enacted, That the said corporation by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy, at any meeting of said stockholders duly and legally called by the board of directors of said company for that purpose, shall have the power and authority which is hereby given it, to make and issue its bonds, for such sums and in such amounts, and payable at such time or times as the said stockholders may determine, which said bonds shall bear such rate of interest not exceeding eight per cent. per annum as the stockholders may deem best. And to secure the payment of said bonds and the interest thereon, the said corporation is hereby given power to execute a mortgage or deed of trust in its corporate name and under its corporate seal, upon all

Provisos

May unite
with other
railroads,
etc

May issue
bonds

the property of said corporation, including its franchises, or such part thereof as the said stockholders may determine best; and said bonds and deed of trust to be signed by the president, countersigned by the secretary of said company and sealed with the seal of said corporation, and the said company is hereby authorized to sell, exchange, hypothecate and dispose of its said bonds for its purposes as the directors may think best or to pay the same for real or personal property, rights or franchises purchased by said company on such terms as the board of directors may deem best for the company.

Preferred stock Sec. 12. Be it further enacted, That said corporation may issue also preferred stock in such sums and for such an amount and on such terms and conditions, and with such rights and privileges as the owners of two-thirds in value of the stock of said company in convention assembled shall determine, and thereafter the said company shall not have the power to change or abridge the conditions, rights or privileges thus accorded to the holders of the preferred stock, or to do any act that will impair the value or security of such preferred stock without the consent of the holders of the same.

May leave or purchase property of other corporations Sec. 13. Be it further enacted. That said corporation shall have a right to lease and purchase, and to hold and own the real, personal or mixed property, or stock, or franchises of other corporations engaged in any similar business; and said corporation may pay for the same in money, bonds, notes or by an issue of its own stock, either common or preferred, on such terms and in such amounts, and upon such conditions as such corporations may deem best acting by and through its stockholders in convention assembled, or by its board of directors, they having been duly authorized to act in the premises.

Agencies Sec. 14. Be it further enacted, That said corporation is authorized to constitute and establish an agency or agencies outside of this State for the transfer of the shares of its capital stock, and to enact all laws necessary to provide for the transfer of said shares by such agency or agencies.

Sec. 15. Be it further enacted, That said corporation may at any time amend its charter by chang-

ing the name of said corporation by filing in the office of the secretary of state, a declaration in writing, signed by not less than three-fourths in number of the stockholders holding not less than two-thirds in value of the stock thereof, verified in by the affidavit of one or more of the signers. Said declaration to state the name of the corporation and what change is desired.

Approved December 9th, 1898.

No. 76)

AN ACT

(H. 98

To provide the manner of selecting the police force in the City of Birmingham, and to provide for the efficient management of the police force of said city.

Section 1. Be it enacted by the General Assembly of Alabama, That at the next regular election for mayor and aldermen of the City of Birmingham, Ala., there shall be elected a board of police commissioners for said city, consisting of seven (7) members, to be voted for and elected by the qualified voters of said city participating in said election. The term of office of said commissioners shall be for four (4) years, and until their successors in office are elected and qualified: Provided, that at the first election to be held under the provisions of this act, four of the commissioners elected shall hold for the full term of four (4) years; three members so elected shall hold for a term of two (2) years. The four members receiving the highest number of votes at said election shall hold for the full term of four (4) years, the remaining three shall hold for two (2) years, and in the event of a tie vote between either of the members elected, they shall determine by lot who is to serve the long term.

Election of
police com-
missioners

Term of office

Sec. 2. Be it further enacted, That at the regular election for mayor and board of aldermen, to be held during the year 1901, three commissioners shall be elected to succeed the three short term commissioners. The three commissioners so elected shall serve for full term of four years, and their

Time of elec-
tions

successors shall be elected every four years thereafter. That the successors to the four commissioners elected at next regular election for mayor and aldermen, and who are under provisions of this act to serve four years, shall be elected at the regular elections for mayor and aldermen to be held in the year 1903, and every four years thereafter.

Vacancies

Sec. 3. Be it further enacted, That in the event of any vacancy occurring in the said board of police commissioners by death, resignation or otherwise, the remaining members of the board shall elect a successor to fill the unexpired term: Provided, That in the event of a tie vote of the board in said election, the mayor shall cast the deciding vote.

Vacation of
office

Sec. 4. Be it further enacted, That if any member of said police commission shall, during his term of office become a candidate for any office or a candidate for nomination for any office, shall vacate his office of police commissioner: Provided, That he may be a candidate to succeed himself as a member of said police commission.

Term of pre-
sent com-
missioners

Sec. 7. Be it further enacted, That after the ap-
the present police commissioners of said city shall continue until their successors have been elected at the next regular election for mayor and aldermen, as prescribed in the first section of this act, and have qualified by taking the oath of office as such commissioners, and no longer: Provided, however, That no officer of the police force nor any patrolman hereafter elected by the present board of police commissioners, or that may have been elected at the time of the approval of this act, shall be elected to serve beyond the term of the present police commission. That the terms of office of such officers and patrolmen shall expire with the expiration of the terms of the present commissioners, as herein provided.

City jail

Sec. 6. Be it further enacted, That after the approval of this act, the mayor and board of aldermen of said city shall elect wardens for the city jail, and said mayor and board of aldermen shall have full control and management of said jail.

Salaries of
police force

Sec. 7. Be it further enacted, That after the approval of this act the board of police commissioners of said city shall not have authority in any calendar

month to expend for salaries of police officers and patrolmen in a sum exceeding twenty-five hundred dollars without the consent of the board of mayor and aldermen of said city first had and obtained.

Sec. 8. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal

Approved December 9th, 1898.

No. 77)

AN ACT

(H. 239

To establish, maintain and regulate a dispensary in the town of Dothan, Henry county, Alabama, for the sale of spirituous or vinous liquors, malt liquors, wines, ciders, or other intoxicating liquors, and to establish and perpetuate a board of commissioners for the management of said dispensary, and for other purposes.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act a dispensary for the sale of spirituous, vinous and malt liquors, wines, cider and other intoxicating liquors, shall be established in the town of Dothan, Henry county, Alabama, and that G. H. Malone, W. F. Newton, J. R. Young, J. L. Crawford, and J. A. Davis be and they are hereby constituted and made a board of commissioners to control, manage and conduct the affairs and business of said dispensary, and that the term of said J. A. Davis, as commissioner shall expire on the 31st day of December, 1899, and that the term of J. L. Crawford as commissioner shall expire on the 31st day of December, 1900, and that the term of office of the said W. F. Newton shall expire on the 31st day of December, 1901, and that the term as commissioner of the said J. R. Young shall expire on the 31st day of December, 1902, and the term of G. H. Malone as commissioner shall expire on the 31st day of December, 1903, and that the successors of the said commissioners whose term as commissioners have so expired shall be elected by the mayor and aldermen of the Town of Dothan at their regular

Dispensary
established

Commis-
sioners

Terms

Elections of
successors

meeting in January of each year after the expiration of each term of said commissioners, and the said commissioner so elected by the mayor and aldermen of the Town of Dothan shall hold offices, or perform the duty of commissioner for the term of five years, and all vacancies occurring in said board of commissioners, other than by the expiration of the term of office of commissioners, shall be filled by an election by the mayor and aldermen of the Town of Dothan at their next regular meeting after said vacancy occurs, and such commissioner so elected shall perform the duties of commissioner of the unexpired term of his predecessor. That said board of commissioners shall elect from their number at their first meeting in each year a president, a secretary and a treasurer for said board of commissioners, and shall require good and sufficient bonds from such secretary and treasurer and cause the said bonds to be approved by the mayor and the aldermen of the Town of Dothan, and the said commissioners provided for in this act shall before entering upon the discharge of their duties take and subscribe before some qualified officer an oath that they will faithfully and honestly discharge all the duties imposed upon them by this act.

Sec. 2. Be it further enacted, That the dispensary commission provided for in this act shall maintain at some convenient place in the Town of Dothan, Ala., within the fire limits thereof, a dispensary for the sale of spirituous, vinous or malt liquors, wines, ciders and other intoxicating liquors, and shall on the day after their qualification and organization, and annually thereafter, elect a man who shall be of good moral character and sober habits to be known as the manager of said dispensary, and who shall have charge and control of said dispensary under the supervision of said commissioners. Said manager shall be chosen for the term of one year and may be removed at any time during his term of office by said commissioners for neglect of his duty or for violation of any laws, and said commissioners shall fill his unexpired term by the election of another man as manager of said dispensary. Said manager shall be required to take and subscribe an oath that he will faith-

fully and honestly discharge all duties required of him by this act and said manager shall also be required to give bond with good and sufficient surety to be approved by the said commissioners, in such sum as the said commissioners may determine, conditioned to faithfully account for all goods and moneys that may come into his hands as such manager, and for the faithful performance of all duties required of him by this act, and by such rules and regulations as the said commissioners may enact. Said manager shall receive such salary as said commissioners may fix, and his compensation shall not be dependent upon the amount of his sales.

Sec. 3. Be it further enacted, That said manager, under the direction of said commissioners, shall at all times keep a stock of spirituous, vinous or malt liquors, wines, ciders and other intoxicating liquors in such quantities as said commissioners may direct, and sell the same only for cash in quantities not to exceed four gallons, and in quantities not less than one-half pint, and shall make no sales except for cash, and shall turn over all moneys received by him to the secretary of said board of commissioners at the end of each day, and said secretary shall at the end of each week turn over all moneys coming into his hands from said manager to the treasurer of said board of commissioners and take his receipt for the same.

Sec. 4. Be it further enacted, That all accounts due by said dispensary for the maintenance and operation of the same shall from time to time be paid by the treasurer upon such demand being presented to said treasurer, and approved by a majority of said commissioners.

Sec. 5. Be it further enacted, That said dispensary commissioners shall make from time to time rules and regulations for the operation of said dispensary not in conflict with the provisions of this act and the laws of the State of Alabama, and the commissioners and manager of said dispensary shall at all times in the management and conduct of said dispensary conform to the laws of the State of Alabama regulating the sale of spirituous, vinous or malt liquors, and the said manager shall conform to all the regulations that said board of com-

missioners may enact for the control, management and conduct of said dispensary which are not in conflict with the laws of this State.

No drinking
on premises Sec. 6. Be it further enacted, That no spirituous, vinous or malt liquors, wines, ciders or other intoxicating liquors shall be drank in the building or on the premises where said dispensary is located.

Business
hours Sec. 7. Be it further enacted, That said dispensary shall not be opened on any day before sunrise and shall be closed each day before sunset, and shall remain closed on Sundays, election days and on the day before election days, and on such other days as the commissioners may direct the same to stand closed.

Sec. 8. Be it further enacted, That the manager of said dispensary shall not sell to any person or persons any spirituous, vinous or malt liquors, wines, ciders or other intoxicating liquors except in sealed packages and the said dispensary shall not keep any broken packages in said dispensary and whenever an original package is broken it shall be at once bottled and sealed and sold by the manager of said dispensary in such bottled and sealed condition.

Monthly re-
ports Sec. 9. Be it further enacted, That said manager shall make a monthly report to said board of commissioners showing the exact financial condition of the said dispensary, and the said board of commissioners shall at any time when they see proper make an investigation of the correctness of said report and check up the balance of matters pertaining to said dispensary.

Loitering
forfeiture Sec. 10. Be it further enacted, That the manager of said dispensary shall not allow, and it is hereby made unlawful, for any person or persons to loiter in or about said dispensary or on the premises where the same is situated, and for failure to enforce this section of this act the manager of said dispensary shall be removed from office.

Duty of
Mayor and
ccuncil Sec. 11. Be it further enacted, That the mayor and council of the Town of Dothan, Ala., shall have power and authority to pass all ordinances to carry out the provisions of this act, and to provide suitable penalties for violation of any of the provisions of this act.

Sec. 12. Be it further enacted, That said dispensary shall be maintained and operated from the funds arising from the sale of said spirituous, vinous or malt liquors, wines, ciders and other intoxicating liquors, and the said dispensary, in order to inaugurate itself and purchase stock of liquors from time to time, is hereby authorized to borrow money or pledge its credit. Maintenance

Sec. 13. Be it further enacted, That the board of commissioners of said dispensary shall appropriate fifty per cent. of the net profit of said dispensary to the Dothan Graded School and the remaining fifty per cent. of said profits shall be paid into the treasury of the Town of Dothan, and said sums shall be so appropriated and paid quarterly, or four times each year. Profits

Section 14. Be it further enacted, That the commissioners provided for in this act shall receive a salary of \$25.00 each per annum and the secretary and treasurer shall be paid each \$25.00 per annum additional. Said salaries to be paid out of the net proceeds of said dispensary. Salaries

Sec. 15. Be it further enacted, That said board of commissioners shall have full power and authority at any time they may see proper so to do to suspend or discontinue said dispensary and close out all stock thereof on hand. May suspend
or discon-
tinue

Sec. 16. Be it further enacted, That on and after the passage of this act the city council of Dothan is hereby prohibited from issuing, granting or renewing any license for the sale of spirituous, vinous or malt liquors, wines, ciders or other intoxicating liquors within the incorporate limits of said Town of Dothan: Provided, nevertheless, that should the dispensary commissioners at any time determine to permanently discontinue the dispensary as authorized by section 15 of this act, the city council of Dothan is hereby authorized to resume the control of the liquor traffic of said town. Provided, that the said board of commissioners shall first take out and pay for the State and county license required by law. Liquor
licenses

Sec. 17. Be it further enacted, That all laws and parts of laws in conflict with this act or any part hereof, be and the same are hereby repealed. Repeal

Approved December 9th, 1898.

No. 79)

AN ACT

(S. 97)

To repeal an act entitled "An act to create a separate school district in Barbour county, known as the Afton school district," approved December 9th, 1896.

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled, "An act to create a separate school district in Barbour county, known as the Afton School District," approved December 9th, 1896, be and the same is hereby repealed.

Approved December 10th, 1898.

No. 80)

AN ACT

(S. 174)

To authorize the mayor and aldermen of the City of Tuscumbia, Alabama, to issue bonds of said city for an amount not exceeding \$26,000.00 for the purpose of redeeming the bonds of said city issued under an act of the legislature of Alabama, approved December 12th, 1888, and for draining, grading, macadamizing and improving the streets of said city.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and aldermen of the City of Tuscumbia, in Colbert county, State of Alabama, be and they are hereby authorized and empowered to issue bonds of said City of Tuscumbia to an amount not exceeding \$26,000.00, or so much thereof as the said board may deem necessary for the purpose hereinafter named; to be issued in such form and manner as the mayor and aldermen may direct, in sums of not less than \$500.00 nor more than \$1,000.00, payable twenty years from date of issuance, at some bank or banking house in the City of New York, or at the office of the treasurer of said city, or at such other place as may be chosen by said city; said bonds shall be exempt from county and municipal taxation.

Sec. 2. Be it further enacted, That said bonds shall be made payable in gold coin of the United Gold States of the present standard of value, and shall bear an annual interest of not more than 5 per cent., payable semi-annually, and that interest coupons shall be attached to said bonds, and numbered to correspond with said bonds, setting forth the amount of interest, when due and where payable.

Sec. 3. Be it further enacted, That the bonds and coupons issued under this act must be signed by the mayor of said city, and countersigned by the treasurer of said city, and must be numbered according to the order in which they are issued, and the seal of the city shall be affixed thereto. The said mayor and treasurer are each required to keep a correct record of all bonds issued under this act, and said bonds shall be sold for not less than their face value.

Sec. 4. Be it further enacted, That the said board of mayor and aldermen of the City of Tusculumbia, are hereby authorized and empowered to do any and all things that may be necessary to carry out the powers hereby granted, either through themselves or by an agent or agents duly authorized and appointed by them for that purpose at any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, neglect or omission in the proceedings or record of said board shall in any wise vitiate or annul said bonds or coupons issued under this act, or any rights of the purchasers of the same, but said bonds and coupons shall have all the properties and protection of commercial paper, and shall be receivable for all dues of said city, and for all taxes levied for the use thereof after the maturity of said bonds and coupons, except such taxes as may be specially set aside for school purposes.

Sec. 5. Be it further enacted, That to meet the interest and principal at maturity upon any and all of the bonds issued under authority of this act, the board of mayor and aldermen of said city shall, and it is hereby made their duty to set apart out of the general revenue of said city each year, an amount as a sinking fund to meet and pay off the principal and interest of said bonds at maturity, and retain the same.

Sale of and proceeds Sec. 6. Be it further enacted, That said mayor and aldermen are hereby authorized to sell said bonds issued under the provisions of this act, and apply the proceeds thereof in paying off and redeeming the bonds now outstanding against said city, and to do any and all things that may be necessary in redeeming and canceling the bonds now outstanding against said city with the proceeds arising from the sale of the bonds issued under this act.

Use of money Sec. 7. Be it further enacted, That the money realized from the sale of the bonds to be issued under this act, not necessary to the redemption and cancellation of the bonds now outstanding against said city, shall be used in draining, grading and macadamizing the streets of said City of Tuscombua,

Duties of treasurer Sec. 8. Be it further enacted, That the money arising from the sale of the bonds issued under this act, be paid directly into the hands of the treasurer of said city, unless the bonds issued under this act are exchanged for the bonds now outstanding; but before said treasurer receives any of said money, he shall be required by said board of mayor and aldermen to make a bond payable to said city, for the faithful discharge of his duties, in an amount equal to twice the amount of money that will come into his hands at any one time, and if the treasurer of said city shall refuse or fail to make said bond, then the board of mayor and aldermen shall remove him from his office and select another who will give the required bond; said bond to be approved by the mayor and filed and recorded by the secretary of said board of mayor and aldermen on the records of said city, and kept and preserved by the secretary, and a copy of said bond shall be certified by the mayor of said city, and recorded in the office of the judge of probate of Colbert county, and a certified copy from such record shall be received as evidence in any suit on said bond.

Priority Sec. 9. Be it further enacted, That the bonds herein provided for, shall have priority over those hereafter issued, and it shall be the duty of said board of mayor and aldermen of the City of Tuscombua, to provide for the payment of the principal and interest of said bonds before providing for the

payment of bonds which may hereafter be issued by said board of mayor and aldermen of Tuscumbia.

Sec. 10. Be it further enacted, That this act shall go into effect and become a law on its passage. When takes
effect

Sec. 11. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed. Repeal

Approved December 10th, 1898.

No. 81)

AN ACT

(S. 86

To authorize the City of Mobile for the purpose of aiding in the erection of its municipal water works, to condemn by eminent domain the outstanding interest in what is known as the Mobile City Water Works.

Section 1. Be it enacted by the General Assembly of Alabama, That the City of Mobile for the purpose of erecting, constructing and operating a system of water works to be owned and operated by the said city, be and is hereby expressly authorized and empowered to condemn by exercising the rights of eminent domain, in the manner provided by law for the condemnation of lands for public use, all outstanding interest of every kind, character, of description whether the same be legal or equitable, not owned by said City of Mobile, in and to those certain water works known respectively by the name of Stein or Mobile City Water Works, being the same water works constructed under and pursuant to an act entitled, "An act for the promotion of the health and convenience of the City of Mobile, by the introduction into said city, of a supply of wholesome water, to be used for domestic purposes, and for the extinguishment of fires," approved January 7th, 1841. Eminent
domain

Approved December 10th, 1898.

No. 82)

AN ACT

(S. 87

To authorize the revenue and road commissioners of the County of Mobile to buy the Bay Shell road, in Mobile county, and authorize the stockholders of the Bay Shell Road Company to sell the same.

Bay Shell
Road

Authority
to purchase

Section 1. Be it enacted by the General Assembly of Alabama, That the board of revenue and road commissioners of Mobile county are hereby authorized and empowered to purchase from the directors and stockholders of the Bay Shell Road Company what is known as the Bay Shell road, in Mobile county, and that said revenue and road commissioners of Mobile county are authorized to use any funds or money of the County of Mobile to pay for the same.

Authorized
to sell

Sec. 2. Be it further enacted, That the directors of said Bay Shell Road Company, by the consent and approval of the stockholders of said Bay Shell road Company, owning and representing two-thirds of the stock in said company, are authorized and empowered to sell and transfer, and turn over to said Mobile county, after the payment to said Bay Shell Road Company of the purchase money thereof, all the property, rights, privileges and franchises of said Bay Shell Road Company.

Dissolution
of Company

Sec. 3. Be it further enacted, That after said sale is consummated and said purchase money is paid, said corporation, the Bay Shell Road Company, shall be at once dissolved, and cease to exist, and the funds arising from the proceeds of the sale shall be distributed among the stockholders thereof, according to the number of shares of stock held by them and each of them, respectively.

Approved December 10th, 1898.

No. 83)

AN ACT

(S. 42

To incorporate the Birmingham Tube and Steel Company.

Incorporators

Section 1. Be it enacted by the General Assembly of Alabama, That Erskin Ramsey, C. A. Nolan and G. B. McCormack, and their associates, successors

and assigns, be and they are hereby created a body corporate, under the name and style of the Birmingham Tube and Steel Company, and in and by that name and title shall have perpetual succession, as a body corporate, and may sue and be sued, plead and be impleaded, borrow money and execute notes therefor, contract and be contracted with, adopt, use, and alter at will, a corporate seal, and exercise all the rights and franchises hereinafter granted.

Sec. 2. Be it further enacted, That the capital stock of said corporation shall be fifty thousand dollars, but the corporation shall have the right, after its organization, to increase its capital stock from time to time as the majority, in value, of the stockholders thereof, in convention assembled, shall determine, not to exceed the sum of fifty million dollars.

Sec. 3. Be it further enacted, That the stock of said company shall be divided into shares of one hundred dollars, and in all meetings and conventions of the stockholders, each stockholder shall be entitled to cast, in person or by duly appointed proxy, one vote for each share of stock owned by such stockholder. Executors and administrators shall have power to represent the stock of his, her, or their testators or intestate, and guardians and trustees shall have power to represent the stock of their wards and cestui-que trust.

Sec. 4. Be it further enacted, That the persons named as corporators in the first section of this act, or a majority of them, and such persons as shall join and become associated with them in the premises, shall meet at such time and place, in the City of Birmingham, or at such other place in this State as they shall designate and appoint, and at such appointed time and place, shall proceed to take and receive subscriptions to the capital stock of said company, payable in such time and manner as may be agreed upon by and between the majority of said corporators and associates acting with them, and the party or parties who may desire and propose to take stock in said company, which business may be transacted or completed at any subsequent adjourned meeting or meetings, as may be deemed necessary, if not completed at the first meeting.

Organization

Sec. 5. Be it further enacted, That when as much as fifty thousand dollars shall have been subscribed, as authorized in the last preceding section, to the capital stock of said company, then at such time and place, in the State of Alabama as may be determined by a majority in interest of the subscribers to said stock, there shall be a meeting of the said subscribers for the purpose of organizing the said company, by the election of a board of directors. Said board of directors shall be in number not less than three nor more than fifteen, as from time to time may be provided by the by-laws of said company, and said directors shall be chosen originally from the subscribers to the stock by ballot. The officers of said company shall be a president, and secretary, and treasurer, and such other officers as the board may deem necessary. The president of said company shall be elected by the board of directors from their own number, and the board of directors shall also select the other officers and fix the salary or compensation of the president and officers. The president so chosen shall continue in office until the election of his successor, and the directors shall continue in office until the election of their successors by the subsequent convention of the stockholders, the time and place of holding which shall be designated by the meeting at which such directors are elected, or on its failure to do so, the time and place of such convention shall be fixed by the board of directors, of which the stockholders shall have such notice as the board shall direct. The election of such directors and president as provided above, shall constitute the organization of said company: Provided, that before such organization shall be perfected there shall be paid to the treasurer of said company not less than one per cent. in cash upon the amount subscribed, in pursuance of the fourth section of this act, to the capital stock of the company.

Increase of
stock

Sec. 6. Be it further enacted, That after the organization of said company its capital stock may be increased, by and with the consent of the persons holding the larger amount in value of its stock first obtained, at a meeting of the stockholders of said corporation convened for the purpose of vot-

ing upon the proposition, to be held after thirty days notice given by publication in some newspaper of general circulation, published in the county, where such corporation has its principal office, a copy of which shall be mailed to each stockholder, which notice shall explicitly state what increase is proposed to be made to the capital stock. If, at the meeting called in pursuance of this notice, the consent of the persons holding the larger amount in value of the stock of such corporation shall be obtained to a specified increase of the capital stock, a report, specifying the amount of increase consented to shall be made to the secretary of state. The said corporation shall have the right from time to time to increase its capital stock, and to take and receive additional subscriptions to its capital stock from time to time, and in doing so, may as it may deem proper and advantageous receive such additional subscriptions, payable in whole or in part in real or in personal property, or in stocks, bonds, rights or franchises of other corporations, and may take and receive proper conveyances and transfers of such real estate and personal property in payment of such subscriptions for stock.

Sec. 7. Be it further enacted, That there shall be annual meetings of conventions of the stockholders of said company, at the principal office of the company, at Birmingham, Alabama, or at some other place equally convenient to the stockholders, to be fixed by the board of directors, for the election of the president and directors, and for the transaction of such other business relating to the interest of the company as such conventions, when assembled, shall deem necessary or proper, of which convention such notice shall be given to the stockholders as said company, by by-laws or otherwise, may prescribe, or as may be directed by the board of directors omission of the company to prescribe, such notice: Provided, that omission or failure to hold such convention within the time prescribed shall not have the effect to cause a dissolution or discontinuance of such company. In any convention of its stockholders a majority, in value, of the stock held or owned in said company by stockholders in person, or by their duly constituted prox-

ies, or agents, shall constitute a quorum, competent to transact business binding on the company and its stockholders. The number of directors shall continue, as provided in the fifth section of this act, until otherwise provided by the company, and the company shall have power to increase or diminish this number from time to time as shall be deemed proper. The president and directors shall be elected for the term of one year, but may continue in office thereafter until the election and qualification of their successors. Any vacancy in the office of president or directors may be filled by the board of directors, a majority of whom will constitute a quorum for the transaction of business. Said company acting by its stockholders in convention, shall have power to enact all such rules and by-laws as may be deemed needful and proper for the management and carrying on its business, and may elect or appoint all such officers, other than the president and directors, as may be deemed necessary or proper, and fix the tenure and qualifications of each, and prescribe rules for the transfer of stock by the respective stockholders.

Business

Sec. 8. Be it further enacted, That the business of said company is hereby declared to be and shall be the mining and sale of iron ores and coal, limestone and other minerals, the production, manufacture and sale of coke, iron and steel, in the crude and finished state, and the manufacture of any products from iron and steel, including tubes, rails, boiler plates, armor plates, and any and all products that may be manufactured of iron and steel, or that may be used in the building of ships; and the said company shall have the right and power to build ships and operate lines of steamships, tug boats or barges; and said company shall have the right and power to conduct stores and sell merchandise of any and every kind of description, and said company shall have the right and power to buy land, either mineral or otherwise, and to lay off its lands into lots and parcels, and to lease, sell, donate and convey the same, make sales, donations or loans of any of its lands or other property, money or effects to individuals or to other corporations; to build and construct tramways or railroads, and operate the same,

charging for carriage or transportation reasonable fare or tolls, and use such motive power as may be deemed best on the property of said company or over such lines. Said company shall have the right and power to acquire and operate plants for manufacturing tubes for boilers and all other purposes, furnaces, steel plants, mills, factories, machine shops, foundries and other industrial enterprises. Said company shall have the right and power to invest its funds or property in the capital stock of, and become a stockholder in any other corporation formed or to be formed, or in bonds of such corporations, and to retain or dispose of such stock in whole or in part at pleasure; to lease, construct, and operate, or to assist persons or corporations in such manner as said company may deem desirable in leasing, constructing and operating furnaces, factories, foundries or other industrial enterprises; to acquire, own, rent and sell houses and other improvements, and to improve its lands in such manner as it may deem fit. Said company shall have the right and power in accordance with the statutes of this State authorizing land to be condemned by writ of ad quod damnum, to condemn such property and rights of way as may be necessary to enable said company to construct, erect and operate railroads and tramways.

Sec. 9. Be it further enacted, That the said Birmingham Tube and Steel Company is authorized and empowered to consolidate and amalgamate itself with other corporation or corporations, by a two-thirds vote of the stockholders of each such corporations, and form one general company under such name and style as may be agreed upon, to issue and apportion the stock of such consolidated corporations in each of said corporations, and to take up, if deemed proper and best, the individual stock of each company, and to replace it with the stock of the general company, in such manner and amount as may be agreed upon by said two-thirds of the stockholders: Provided, that such amalgamated company shall keep an office in the State of Alabama, and thereupon such general company shall be invested with all the powers and franchises theretofore belonging to each and all of the several

May consolidate

corporations so consolidating or amalgamating: Provided, further, that the rights and remedies of creditors shall not be effected by such consolidation.

Railways

Sec. 10. Be it further enacted, That said corporation shall have the power to unite, consolidate or connect the railways owned, operated or controlled by it with any line of railways constructed or which may be constructed in this State upon such terms as may be agreed upon between it and such other railway company; and for this purpose, power is hereby granted to it and to any other railway, incorporated in this State, to make and carry out such contracts by lease, purchase or otherwise, as will facilitate and consummate such connection or consolidation.

May issue
bonds

Sec. 11. Be it further enacted, That the said corporation by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy, at any meeting of said stockholders, duly and legally called by the board of directors of said company for that purpose, shall have the power and authority which is hereby given to it, to make and issue its bonds, for such sums and in such amounts and payable at such time or times as the said stockholders may determine, which said bonds shall bear such rate of interest, not exceeding eight per cent. per annum, as the stockholders may deem best. And to secure the payment of said bonds and the interest thereon, the said corporation is hereby given power to execute a mortgage or deed of trust in its corporate name and under its corporate seal, upon all the property of said corporation, including its franchises, or such part thereof as the said stockholders may determine best; said bonds and deed of trust to be signed by the president, countersigned by the secretary of said company, and sealed with the seal of said corporation, and the said company is hereby authorized to sell, exchange, hypothecate and dispose of its said bonds for its purposes as the directors may think best or to pay the same for personal or real property, rights or franchises purchased by said company on such terms as the board of directors may deem best for the company.

Sec. 12. Be it further enacted, That said corporation may issue also preferred stock in such sums and for such an amount and on such terms and conditions, and with such rights and privileges as the owners of two-thirds in value of the stock of said company in convention assembled shall determine, and thereafter the said company shall not have the power to change or abridge the conditions, rights or privileges thus accorded, to the holders of the preferred stock, or to do any act that will impair the value or security of such preferred stock without the consent of the holders of the same.

Sec. 13. Be it further enacted, That said corporation shall have the right to lease and purchase, and to hold and own the real, personal or mixed property, or stock or franchises of other corporations engaged in any similar business; and said corporation may pay for the same in money, bonds, notes, or by an issue of its own stock, either common or preferred, on such terms and in such amounts, and upon such conditions as such corporation may deem best, acting by and through its stockholders in convention assembled, or by its board of directors, they having been duly authorized to act in the premises.

Sec. 14. Be it further enacted, That said corporation is authorized to constitute and establish an agency or agencies outside of this state for the transfer of the shares of its capital stock, and to enact all laws necessary to provide for the transfer of said shares by such agency or agencies.

Sec. 15. Be it further enacted, That said corporation may at any time amend its charter by changing the name of said corporation, by filing in the office of the secretary of state a declaration in writing signed by not less than three-fourths in number of the stockholders holding not less than two-thirds in value of the stock thereof, verified by the affidavit of one or more of the signers, said declaration to state the name of the corporation, and what change is desired.

Approved December 10th, 1898.

No. 84)

AN ACT

(H. 317)

To authorize the mayor and aldermen of the City of Florence to issue bonds of said city to an amount not exceeding one hundred thousand dollars for the purpose of paying the floating debt of said city; for taking up, cancelling and retiring the present outstanding bonds, of said city; to erect school houses in said city, and for the purchase of a cemetery or burial ground and for other public city purposes.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and aldermen of the City of Florence be and they are hereby authorized to issue coupon bonds of said City of Florence to an amount not exceeding one hundred thousand dollars, or so much thereof as may be necessary for the purposes hereinafter named, in denominations of one thousand dollars each, payable twenty years from the date of issue, bearing interest at a rate of not exceeding five per cent. per annum, with interest coupons attached, payable semi-annually, at some bank or banking house in the City of New York, to be designated by the board of aldermen, which said bonds shall be exempt from county and municipal taxation.

Signed by

Sec. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the city clerk, and the coupons attached to said bonds shall have engraved thereon the signatures of the mayor and city clerk.

Authority of
Mayor and
aldermen

Sec. 3. Be it further enacted, That said mayor and aldermen of the City of Florence are hereby authorized to do any and all things that may be necessary to carry out the powers herein granted, and no technical informality, irregularity, neglect or omission in the proceedings or records of said bonds shall in any wise vitiate or annul said bonds or coupons, and said bonds and coupons shall have all the properties and protection of commercial paper, and at and after the maturity thereof they shall be receivable for all dues to the city in the way of taxes and otherwise.

Sec. 4. Be it further enacted, That said mayor and aldermen are hereby authorized to exchange ^{Exchange} the bonds issued under the authority of this act for the outstanding bonds of said city, bearing interest at six per cent. per annum, but such exchange shall be made bond for bond and without commission or like expense to the City of Florence and without the allowance of any discount or the payment of any premium by said city.

Sec. 5. Be it further enacted, That said mayor and aldermen of the said City of Florence shall advertise in some newspaper published in the City of Florence once a week for two weeks and may also advertise in some financial or investment publication outside of the State for sealed proposals for the purchase of such of the bonds issued under the authority of this act as may not have been exchanged, as provided by the preceding section, and the bonds as advertised shall be sold to the highest bidder for cash, but in no event shall any of said bonds be sold for less than their par or face value. ^{Advertise, or proposals}

Sec. 6. Be it further enacted, That of the bonds authorized to be issued by this act, the sum of sixty ^{Use of bonds} thousand dollars shall be used for taking up, canceling and retiring the present outstanding bonds of said City of Florence, either by payment of the old bonds or by an exchange of the new bonds for the old, and for no other purpose. That the sum of twenty-three thousand dollars or so much thereof as may be necessary, shall be used for the purpose of paying the floating debt said City of Florence may have on the first day of January, 1899; that the sum of two thousand and five hundred dollars, or so much thereof as may be necessary, shall be used for the erecting of a school building for white children, to be located at some point in the Sixth or Seventh ward in said city, to be selected by the board; that the sum of two thousand five hundred dollars, or so much thereof as may be necessary, shall be used for the erecting of a school building for the negro children of said city, to be erected at such point as the board may determine; and the sum of three thousand dollars may, in the discretion of said board, be used for the purchase and improvement of a cemetery or burial ground.

Under direc-
tion of

Sec. 7. Be it further enacted, That the use, payment and application of the proceeds of the bonds authorized to be issued under this act shall be under the direction of said board of mayor and aldermen and the city clerk and treasurer shall be responsible for the safe keeping of such proceeds as may come into their hands in their official capacity the same as for other city funds, and their official bonds shall be security therefor.

Priority

Sec. 8. Be it further enacted, That the bonds herein provided for shall have priority over all bonds of said city hereafter to be issued and it shall be the duty of said mayor and aldermen of the City of Florence to provide for the payment of the same, principal and interest, before providing for the payment of bonds which may hereafter be issued by said city.

Approved December 10th, 1898.

No. 87)

AN ACT

(H. 309)

To authorize the mayor and councilmen of Troy to issue bonds of said city not exceeding twenty-three thousand dollars, for the purpose of refunding the bonds now outstanding, issued by said mayor and councilmen of Troy under an act approved February 14, 1895, entitled "An act to authorize the mayor and councilmen of Troy, Ala., to issue bonds of said city for an amount not exceeding twenty thousand dollars for the purpose of purchasing land and erecting and equipping school buildings thereon, and for the improvement of the electric light plant and water works system of the City of Troy, Alabama."

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and councilmen of Troy, Pike county, are hereby authorized to issue and negotiate bonds of said city to be known as the "Troy school refunding bonds," to an amount not exceeding twenty-three thousand dollars, or so much thereof as may be necessary, in bonds of one thousand dollars each, payable at such time and

place as they may designate, but not extending longer than twenty years from the date of the issuance, for the purpose of refunding the bonds issued by the mayor and councilmen of Troy, on the 1st day of April, 1895, by virtue of the authority conferred on it by an act of the General Assembly of Alabama, approved February 14th, 1895. Said bonds shall have coupons attached bearing interest at the rate of 4 per cent. per annum, and payable semi-annually.

Sec. 2. Be it further enacted, That the mayor and councilmen of Troy are hereby authorized to negotiate such bonds as are issued by them by virtue of this act to the holders of the bonds, and past due interest coupons of said City of Troy, issued by virtue of said act approved February 14th, 1895, and known as the "Troy school bonds." Said bonds shall not be negotiated for less than par, less the cost of issuing and negotiating the same. Such bonds may be negotiated to the holders of said Troy school bonds and past due interest coupons thereon, who will surrender to the treasurer of the City of Troy such an amount of said Troy school bonds and past due interest coupons thereon as are equal, at their face value, to the amount of the bonds issued under this act that are negotiated to such holders of said bonds and coupons.

Authority of
Mayor and
council

Sec. 3. Be it further enacted, That the said mayor and councilmen of Troy are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but such bonds shall not be sold or exchanged for less than par, less the cost of issuing and negotiating the same, and the proceeds of said bonds shall be applied solely to the purpose of satisfying and discharging the bonds of the City of Troy, known as the "Troy school bonds," and past due interest coupons thereon; said payment and application to be under the direction and authority of said board of mayor and councilmen, and the said treasurer to be responsible for the safe keeping of all proceeds arising from the sale of said bonds which may come into his hands, the same as other city funds.

Sale of

Sec. 4. Be it further enacted, That it shall not be lawful for the said mayor and councilmen of

Proceeds

Troy, or any member thereof, or any officer of said city, to apply the proceeds of the sale of any of the bonds issued by authority of this act to any other purpose than that herein named.

Authority of
Mayor and
councilmen

Sec. 5. Be it further enacted, That the mayor and councilmen of Troy are hereby authorized to do any act authorized by this act which may be necessary to carry out the powers herein granted, either through themselves or by an agent duly authorized by them for that purpose, at any meeting of said board, whether at a regular or special meeting thereof; and no technical informality, irregularity, neglect or omission in the proceedings or records of said bonds or coupons shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Priority

Sec. 6. Be it further enacted, That the bonds herein provided for shall not have priority over the bonds issued by said city, known as the "City of Troy electric light refunding bonds," nor those known as the "City of Troy water refunding bonds," nor those known as the "City of Troy improvement refunding bonds," but they shall have priority over all other bonds issued by said City of Troy after the issuance of the bonds under the provisions of this act; and it shall be the duty of the city to provide for the payment of the bonds issued under this act, before providing for such bonds as have not priority over the same as herein above provided.

Record

Sec. 7. Be it further enacted, That there shall be kept by said City of Troy a bond book of record, open at any time to the inspection of any taxpayer of Troy, in which shall be briefly stated each bond issued under this act, and the disposition thereof, with its date and amount, to whom issued, and when issued and whether in exchange for other bonds or coupons, or for money; if for exchange for other bonds or coupons, then the number and date and amount of such bonds or coupons, and if for money, the amount received.

Approved December 10th, 1898.

No. 89)

AN ACT

(H. 64

To amend section 3 of an act approved February 18th, 1895, entitled, "An act to charter the town of Oakman, in the County of Walker, State of Alabama."

Section 1. Be it enacted by the General Assembly ^{Sec. 3 amend-} of Alabama, That section three of an act entitled ^{ed} "An act to charter the Town of Oakman, in the County of Walker, State of Alabama," approved February 18th, 1895, be and is hereby amended so as to read as follows:

"Section 3. Be it further enacted, That an election shall be held in the Town of Oakman, on the ^{Elections} third Monday of December, 1898, and biennially thereafter for the purpose of electing a mayor and five councilmen, who shall serve in their respective offices for a term of two years and until their successors are elected and qualified, who shall be male inhabitants over the age of 21 years, residents of said town; and all persons living within said corporation thirty days and are qualified assembly voters for members of the General Assembly of this state shall be entitled to vote in said municipal election. If for any causes said town fails to hold an election on the day specified by this act, they shall within 30 days hold an election: Provided, that notice of such election be published by posting notices in three or more public places in said town for 10 days prior to the day set for such election and published in a newspaper; provided if there be one published in said town, and boards of managers of said corporate election shall be designated by the mayor and board of aldermen. The mayor and aldermen shall declare the result of elections and declare who are elected officers, and in case a tie determine who shall be mayor and aldermen, but the corporation shall not be dissolved, should there be no election as herein after prescribed, and should said mayor and aldermen fail or refuse to order such an election within 30 days, they shall be guilty of a misdemeanor, and the citizens legal of said town may order said election, as described

in this section. That any election held under this act may be contested in the same manner as provided by the laws of this State for the contest of the election of the judges of probate and that so far as practicable shall apply to elections held under this act."

Approved December 10th, 1898.

No. 90)

AN ACT

(H. 51

For the relief of I. Brickman of Montgomery county, for the payment of liquor license in excess of amount required by law.

Whereas, I. Brickman of the County of Montgomery, did, on the 9th day of October, 1895, pay for and take out a license as a wholesale liquor dealer in the City of Montgomery, for which he was required to pay the sum of one hundred dollars, and

Whereas, on the 11th day of February, 1896, said Brickman paid for and took out a license as a wholesale liquor dealer in said city, for which he was required to pay the sum of two hundred dollars, and

Whereas, on the 12th day of February, 1897, he again took out another license as a wholesale liquor dealer, in said, for which he was required to pay the sum of two hundred dollars, said payments aggregating the sum of five hundred dollars for the years 1895, 1896 and 1897, although such tax was not required by law to be paid, for the reason that said Brickman paid for and took out a license as a retail liquor dealer in the City of Montgomery for each and all of said years 1895, 1896 and 1897. Therefore:

Appropriation Section 1. Be it enacted by the General Assembly of Alabama, That the state auditor be and he is hereby authorized and required to draw a warrant on the state treasurer in favor of I. Brickman for the sum of five hundred dollars in settlement of the amount paid by I. Brickman for said license in excess of the sum required by law.

Approved December 14th, 1898.

No. 91)

AN ACT

(S. 107

To extend and define the corporate limits of the City of Montgomery, in the County of Montgomery, and State of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the City of Montgomery, in the County of Montgomery, and State of Alabama, shall include in its corporate limits the territory described as follows, to wit: The whole of fractional section twelve (12), township sixteen (16), range seventeen (17), to the west bank of the Alabama river and commencing at the intersection of Oak and Clayton streets; thence south along centre of said Oak street to the centre of what is known as Day street; thence east along center of said Day street to the center of what is now known as Mobile street; thence in a southwesterly direction along center of said Mobile street to the center of what is now known as Grady street; thence east along center of said Grady street; to the centre of what is now known as Cleveland avenue; thence south along the center of said Cleveland avenue to the line dividing the property of the estate of William R. Westcott, deceased, and the property of Mehan, said line being nine hundred and ninety feet south from the center line of Jeff Davis avenue; thence north, eighty-five degrees east along said line to center of Goode street; thence north along center of said Goode street, to a point two hundred and ninety-four feet south of the south side of Jeff Davis avenue; thence east to the center of South Court street, to a point two hundred and ninety-four feet south of the south side of Jeff Davis avenue; thence south along center of South Court street to a point opposite the south line of what was formerly known as "the Copeland property" as marked by the fence now there, the said south line being six hundred and ninety-nine feet south from the center line of said Jeff Davis avenue; thence east along said south line to the center of the extension of South Perry street; thence north along said center of the extension of said South Perry street, to the

Corporate
limits

center of Julia street; thence east along the center of said Julia street, to the center of McDonough street: thence north along center of said McDonough street to the center of East Jeff Davis avenue; thence east along center of said East Jeff Davis avenue to the center of Hull street; thence north along center of said Hull street to center of South street; thence east along center of South street to Union street and continuing same course to center of Ripley street; thence south along center of Ripley street, to center of Hutchings street; thence easterly along center of Hutchings street to center of Hall street; thence south along center of Hall street to center of Park avenue; thence east along center of Park avenue, continuing on same course to center of Forest avenue, and thence north along center of Forest avenue to the north side of Lake street; thence west along north side of Lake street, to the west side of Watts street; thence south along the west side of extension of Watts street to the north line of the extension of East Grove street; thence west along the north line of Grove street to center of Union street; thence northerly along center of Union street to center of Grove street; thence west along center of Grove street to center of Bainbridge street; thence north along center of Bainbridge street to center of High street; thence east along center of High street to the center of the extension of South Ripley street; thence north along center of South Ripley street to a point opposite the southwest corner of the "Governor Watts place," or "Bishop Jackson" place, said southwest corner being six hundred and twelve feet south from the center of Adams street; thence north, eighty-six degrees and thirty minutes east, to what is now called Eugene street; thence east along center of said Eugene street, to center of what is now called Smythe street; thence north along the center of said Smythe street to and across what is now called Houston street; to the center of what is now known as Garrison street; thence north along the center of said Garrison street to the center of Pelham street; thence west along the center of Pelham street to center of Hilliard street; thence north along center of Hilliard street to the center of the

extension of Jefferson street; thence east along the center of the extension of Jefferson street to the eastern line of section seven (7), township sixteen (16), range eighteen (18); thence north along the eastern line of section seven (7) to the northeast corner of section seven; thence west along the northern line of section seven to the northeast corner of section twelve; thence west along the northern line of said section twelve, to the Alabama river; thence following the course of the said river, at low water mark, to the western line of said section twelve (12); thence south to the point of beginning, comprising parts of sections twelve and thirteen of township sixteen, range seventeen, and parts of sections seven, seventeen (17) and eighteen (18), in township sixteen, range eighteen (18), except that part of the territory above described, bounded as follows, viz: Commencing at the northern line of section seven, at the east side of extension of Ripley street, extending thence south along the east side of said extension of Ripley street to center of Pollard street; thence west along center of Pollard street to center of Bainbridge street, thence north along center of said Bainbridge street to its intersection with the center of the lower Wetumpka road; thence along the center of said road to the northern line of said section seven (7); thence east along said northern line of section seven (7) to the place of beginning.

Approved December 12th, 1898.

No. 92)

AN ACT

(S. 105

To authorize the city council of Montgomery to extend the mains or pipes of its water works outside of the corporate limits of the City of Montgomery, and to charge tolls for supplying water therefrom and tapping the same.

Section 1. Be it enacted by the General Assembly of Alabama, That the city council of Montgomery be and hereby is authorized and empowered to extend the mains or pipes of its water works system

May extend
water mains

to any point outside of the corporate limits of the City of Montgomery, but within the police jurisdiction of said city, and may charge such tolls as it may deem reasonable and fair for water furnished on such extended lines, and a proper sum for each tap of its mains so extended.

Rules

Sec. 2. Be it further enacted, That all the rules and regulations adopted by said council which are now in force and which may be hereafter adopted, that are not in conflict with the constitution and laws of the State of Alabama, or with the constitution of the United States, shall be applicable to and shall govern the extensions already made or which may hereafter be made under authority of this act.

Approved December 12th, 1898.

No. 93)

AN ACT

(S. 128)

To preserve game, animals and birds in the County of Wilcox.

Protection of
game

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful in any place in the County of Wilcox to catch, kill or injure or pursue with such intent, any wild buck, deer, doe or fawn between the first day of March and the first day of November of each year, and it shall be unlawful to catch, kill or injure or pursue with such intent any wild turkey between the first day of April and the first day of November of each year, and it shall be unlawful to catch, kill or injure or pursue with such intent any partridges or quail between the fifteen day of March and the first day of November of each year.

Camp hunt-
ing unlaw-
ful

Sec. 2. Be it further enacted, That it shall be unlawful for any person or persons to engage in camp-hunting in any place or time in the country aforesaid for the period of five years from the passage of this act.

Deer huntidg
unlawful

Sec. 3. Be it further enacted, That it shall be unlawful for any person in said county to catch, kill or injure or pursue with such intent any wild buck,

deer, doe or fawn at any time during the period of five years from the passage and approval of this act.

Sec. 4. Be it further enacted, That any person ^{Penalty} or persons, who are guilty of the violation of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than twenty-five dollars for each offense.

Sec. 5. Be it further enacted, That all laws or ^{Repeal} parts of laws in conflict with the provisions of this act be and the same are hereby repealed, for said county.

Approved December 12th, 1898.

No. 94)

AN ACT

(S. 38

To incorporate the Alabama Steel and Wire Company.

Section 1. Be it enacted by the General Assembly of Alabama, That E. T. Schuler, G. H. Schuler, and C. E. Robinson, and their associates, successors and ^{Incorporators} assigns, be and they are hereby created a body corporate, under the name and style of the Alabama Steel and Wire Company, and in and by that name ^{Name and style} and title shall have perpetuate succession as a body corporate, and may sue and be sued, plead and be impleaded, borrow money and execute notes there- ^{Powers} for, contract and be contracted with, adopt, use and alter at will a corporate seal, and exercise all the rights and franchises hereinafter granted.

Sec. 2. Be it further enacted, That the capital ^{Capital stock} stock of the said corporation shall be two million dollars, one million dollars of common stock and one million dollars of preferred stock, but the corporation shall have the right after its organization to increase its capital stock from time to time as the majority in value of the stockholders thereof in convention assembled shall determine, not to exceed the sum of ten million dollars.

Sec. 3. Be it further enacted, That the stock of ^{Shares} said company shall be divided into shares of one

hundred dollars, and in all meetings and conventions of the stockholders, each stockholder shall be entitled to cast, in person or by duly appointed proxy, one vote for each share of stock owned by such stockholder. Executors and administrators shall have the power to represent the stock of his, her, or their testators or intestate; and guardians and trustees shall have the power to represent the stock of their wards and cestui-pue trust.

Subscriptions

Sec. 4. Be it further enacted, That the persons named as corporators in the first section of this act, or a majority of them, and such persons as shall join and become associated with them in the premises, shall meet at such time and place, in the City of Birmingham, or at such other place in this State as they shall designate and appoint, and at such appointed time and place, shall proceed to take and receive subscriptions to the capital stock of the said company, payable in such time and manner as may be agreed on by and between the majority of said corporators and associates acting with them, and the party or parties who may desire and propose to take stock in said company, which business may be transacted or completed at any subsequent adjourned meeting or meetings, as may be necessary, if not completed at first meeting.

Organization

Sec. 5. Be it further enacted, That when as much as fifty thousand dollars shall have been subscribed to the capital stock of said company, then at such time and place in said State of Alabama as may be determined by a majority in interest of the subscribers to the said stock, there shall be a meeting of the said subscribers for the purpose of organizing the said company by the election of a board of directors. Said board of directors shall be in number not less than three nor more than fifteen, as from time to time may be provided by the by-laws of said company or otherwise, and said directors shall be chosen originally from the subscribers to the stock by ballot. The officers of said company shall be a president and secretary and treasurer, and such other officers as the board may deem necessary. The president of said company shall be elected by the board of directors from their own number, and the board of directors shall also select the

other officers, and fix the compensation and salary of the president and officers. The president so chosen shall continue in office until the election of his successor, and the directors shall continue in office until the election of their successors by the subsequent convention of the stockholders, the time and place of holding which shall be designated by the meeting at which such directors are elected, or on its failure to do so the time and place of such convention shall be fixed by the board of directors, of which the stockholders shall have such notice as the board shall direct. The election of such directors and president as provided above, shall constitute the organization of said company: Provided, that before such organization shall be perfected, there shall be paid to the treasurer of the company not less than one per cent. in cash upon the amount subscribed, in pursuance of the fourth section of this act, to the capital stock of the company.

Sec. 6. Be it further enacted, That after the organization of said company its capital stock may be increased by and with the consent of the persons holding the larger amount in value of the stock first obtained at a meeting of the stockholders of said corporation convened for the purpose of voting upon the proposition. Said meeting to be held after thirty days notice thereof shall have been given by publication in a newspaper of general circulation published in Jefferson county, a copy of which shall be mailed to each stockholder, which notice shall explicitly state what increase is proposed to be made to the capital stock of the corporation. A report specifying the amount of increase consented to shall be made to the secretary of state. Said corporation shall have the right from time to time to increase its capital stock and to take and receive additional subscriptions to its capital stock from time to time, and in doing so, may as it may deem proper and advantageous, receive such additional subscription, payable in whole or in part in real or personal property, or in stocks, bonds, rights or franchises of other corporations and may take and receive proper conveyances and

Increase of
capital
stock

Annual meet-
ings

transfers of such real estate and personal property in payment of such subscriptions for stock.

Sec. 7. Be it further enacted, That there shall be annual meetings or conventions of the stockholders of said company, at the principal office of the company in Birmingham, Alabama, or at some other place equally convenient for the stockholders to be fixed by the board of directors, for the election of the president and directors and for the transaction of such other business relating to the interest of the company at such convention, when assembled, shall deem necessary or proper, of which convention such notice shall be given to the stockholders as said company, by by-laws or otherwise, may prescribe, or as may be directed by the board of directors on omission of the company to prescribe such notice: Provided, that omission or failure to hold any such convention within the time prescribed shall not have the effect to cause a dissolution or discontinuance of such company. In any convention of its stockholders a majority in value of the stock held or owned in said company by stockholders in person, or by their duly constituted proxies or agents, shall constitute a quorum competent to transact business binding on the company and its stockholders. The number of directors shall continue, as provided in the fifth section of this act, until otherwise provided by the company, and the company shall have power to increase or diminish this number from time to time as shall be deemed proper. The president and directors shall be elected for the term of one year, but may continue in office thereafter until the election and qualification of their successors. Any vacancy in the office of president or directors may be filled by the board of directors, a majority of whom will constitute a quorum for the transaction of business. Said company, acting by its stockholders in convention, shall have power to enact all such rules and by-laws as may be deemed needful and proper for the management and carrying on its business, and may elect or appoint all such officers, other than president and directors, as may be deemed necessary or proper, and fix the tenure and qualifications of each, and prescribe rules for the transfer of stock by the respective stockholders.

Sec. 8. Be it further enacted, That the business of said company is hereby declared to be and shall be the mining and sale of iron, ores and coal, limestone and other minerals, the production and manufacture and sale of coke, iron and steel, in their crude and finished state; and the manufacture of any product from iron and steel, including rails, billets, rods, wire, nails, and any and all products that may be manufactured of iron and steel; and the said company shall have the right and power to conduct stores and sell merchandise of any and every kind of description, and said company shall have the right and power to buy lands, either mineral or otherwise, and to lay off its lands into lots and parcels, and to lease, sell, donate and convey the same; make sales, donations or loans of any of its lands or other property, money or effects to individuals or to other corporations; to build and construct railroads or tramways and operate the same, charging for carriage or transportation reasonable fare or tolls, and use such motive power as may be deemed best, on the property of said company, or over such lines. Said company shall have the right and power to acquire and operate furnaces, steel plants, mills, factories, machine shops, foundries and other industrial enterprises. Said company shall have the right and power to invest its funds or property in the capital stock of, and become a stockholder in, any other corporation; formed or to be formed, or in the bonds of such corporation; and to retain or dispose of such stock in whole or in part at pleasure; to lease, construct and operate, or to assist persons or corporations in such manner as said company may deem desirable, in leasing, constructing and operating furnaces, factories, foundries or other industrial enterprises; to acquire, own, rent and sell houses and other improvements, and to improve its lands in such manner as it may deem fit. Said company shall have the right and power in accordance with the statutes of this State authorizing land to be condemned by writs of ad quad damnum, to condemn such property and rights of way as may be necessary to enable said company to construct, erect and operate railways and tramways.

Sec. 9. Be it further enacted, That the said Alabama Steel and Wire Company is authorized and empowered to consolidate and amalgamate itself with other corporation or corporations, by a two-thirds vote of the stockholders of each such corporations and form one' general company under such name and style as may be agreed upon, and to issue and to apportion the stock of such consolidated corporations as may be agreed upon by said two-thirds of the stockholders in each of said corporations, and to take up, if deemed proper and best, the individual stock of each company, and to replace it with the stock of the general company, in such manner and amount as may be agreed upon by said two-thirds of the stockholders: Provided, that such amalgamated company shall keep an office in the State of Alabama, and thereupon such general company shall be invested with all the powers and franchises theretofore belonging to each and all of the several corporations so consolidating or amalgamating; provided, further, that the rights and remedies of creditors shall not be affected by such consolidations.

Railways

Sec. 10. Be it further enacted, That said corporation shall have power to unite, consolidate or connect the railways owned, operated or controlled by it, with any line of railways constructed or which may be constructed in this State upon such terms as may be agreed upon between it and such other railway company; and for this purpose, power is hereby granted to it and to any other railway incorporated in this State, to make and carry on such contracts by lease, purchase or otherwise; as will facilitate and consummate such connection or consolidation.

May issue
bonds

Sec. 11. Be it further enacted, That the said corporation by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy, at any meeting of said stockholders, duly and legally called by the board of directors of said company for that purpose, shall have the power and authority which is hereby given it, to make and issue its bonds, for such sums and in such amounts, and payable at such time or times as the stockholders may de-

termine, which said bonds shall bear such rate of interest, not exceeding eight per cent. per annum, as the said stockholders may deem best, and to secure the payment of said bonds and interest thereon, the said corporation is hereby given power to execute a mortgage or deed of trust in its corporate name and under its corporate seal, upon all property of said corporation, including its franchises, or such part thereof as the stockholders may determine best; said bonds and deed of trust to be signed by the president, countersigned by the secretary of said company, and sealed with the seal of said corporation, and the said company is hereby authority to sell, exchange, hypothecate and dispose of its said bonds for its purposes as the directors may think best or to pay the same for real or personal property, rights or franchises purchased by said company on such terms as the board of directors may deem best for the company.

Sec. 12. Be it further enacted, That said corporation may issue also preferred stock in such sums and for such an amount and on such terms and conditions, and with such rights and privileges as the owners of two-thirds in value of the stock of said company, in convention assembled, shall determine, and thereafter the said company shall not have the power to change or abridge the conditions, rights or privileges thus accorded to the holders of preferred stock, or to do any act that will impair the value or security of such preferred stock without the consent of the holders of the same.

Sec. 13. Be it further enacted, That said corporation shall have the right to lease and purchase, and to hold and own the real, personal or mixed property, or stock or franchises of other corporations; and said corporations may pay for the same in money, bonds, notes or by an issue of its own stock, either common or preferred, on such terms and in such amounts, and upon such conditions as such corporation may deem best, acting by and through its stockholders in convention assembled, or by its board of directors, they having been duly authorized to act in the premises.

Sec. 14. Be it further enacted, That said corporation is authorized to constitute and establish an Agencies

agency or agencies outside of this State for the transfer of the shares of its capital stock, and to enact all laws necessary to provide for the transfer of said shares by such agency or agencies.

Approved December 12th, 1898.

No. 95)

AN ACT

(S. 178

To repeal an act for the improvement of roads and bridges in Jackson county, approved December 9th, 1896.

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That an act for the improvement of roads and bridges in Jackson county, approved December 9th, 1896, be and the same is hereby repealed.

Approved December 12th, 1898.

No. 96)

AN ACT

(S. 68

To provide for the better construction, repairing, working and maintenance of the public roads and bridges in Talladega county.

Superint-
endent

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners of said county shall, at the July term, 1899, of said Court, or as soon thereafter as practicable, appoint some person who is a skilled civil engineer to be superintendent of the public roads of said county, whose term of office shall begin with the date of his qualification and continue for four years, unless he shall be sooner removed by said Court for drunkenness, neglect of duty, or incompetency.

Oath and
bond

Sec. 2. Be it further enacted, That such superintendent shall, before entering upon the duties of office, qualify by taxing and filing the statutory oath of office and giving bond conditioned for the faithful performance of the duties of such office,

payable to Talladega county, in such sum as may be prescribed by said Court, not less than one thousand dollars, with sureties thereon, to be approved by the judge of probate of said county, which oath and bond shall be recorded as other official bonds required to be recorded in the office of the judge of probate.

Sec. 3. Be it further enacted, That said superintendent shall have control and supervision of all the public roads of said county as to the changes of old roads, opening of new roads and of all contracts, whether general or special, for the working, repairing, opening, or changing roads or of repairing or building bridges, culverts or cause-ways: Provided, That whenever any difference shall arise between said superintendent and a contractor with the county as to the time when, or the manner in which a contract shall be executed, or the character of material to be used, the same shall be referred to and determined by the Court of County Commissioners.

Sec. 4. Be it further enacted, That said superintendent shall personally inspect all the public roads in the county at least twice in each year, and in making such inspection, shall be accompanied by the contractor and supervisor of the precinct, and he shall make such suggestions and give such directions as to changing road-beds, repairing, improving and working the public roads, and in building, repairing and maintaining bridges and culverts as he may deem proper. He shall make full report of the condition of the public roads, and the manner in which contracts have been or are being executed by the Court of County Commissioners, at the July and November terms of said Court in each year and such special reports as said Court may call for at other times. Said superintendent shall also make full report of the condition of the public roads of the county to each grand jury of the county impaneled at a regular term of any Court having a grand jury, which report shall be submitted within the first two days of the assembling of such grand jury.

Sec. 5. Be it further enacted, That it shall be the duty of said superintendent of public roads

to prepare all contracts for the working, changing, construction or repairing of bridges, culverts or causeways, and to prepare plans, specifications, profiles and make surveys for road and bridge work whenever the same may be necessary for a full and clear understanding of the work to be done, and shall supervise the execution of such contracts and make report on the same before the contract price is paid.

Salary

Sec. 6. Be it further enacted, That the superintendent of public roads shall receive a salary for each year's service, to be determined by the Court of County Commissioners before he enters upon the duties of his office, to be paid to him in quarterly instalments, at the end of each quarter, by warrant to be drawn by the judge of probate on the road fund in the county treasury, and for making surveys, profiles, plans and supervising the execution of building large bridges, such compensation as may be determined beforehand by the Court of County Commissioners.

Supervisors

Sec. 7. Be it further enacted, That at the August term, 1899, of the Court of County Commissioners of said county, the said Court shall appoint one road supervisor for each election precinct of said county, who shall be a resident of the precinct, who shall take the oath of office and give bond with surety in such sum as may be prescribed by the Court, not less than \$100.00, payable to the county, and conditioned for the faithful performance of the duties of the office of road supervisor, and to be approved by the judge of probate and filed and recorded in his office.

Term of office

Sec. 8. Be it further enacted, That the term of office of said supervisor shall be for four years unless sooner removed by the Court of County Commissioners, and shall commence on the first day of January, 1900, and the performance of the duties of his office shall excuse such supervisor from working on the public roads, and he shall receive such yearly compensation as may be determined by the Court of County Commissioners before he enters upon the duties of his office, and at the last meeting of said Court in each succeeding year, the same to be graduated as near as may be according

to the amount of labor to be performed, and to be paid out of the road fund on the warrant of the judge of probate, at such times as the Court may prescribe.

Sec. 9. Be it further enacted, That it shall be the duty of the road supervisor immediately after the first of January of each year to make a thorough and complete house to house canvass of his precinct, taking down the names and ages of all male residents of the precinct over 18 and under 45 years of age, entering the same in a book to be kept by him for that purpose, and entering opposite each name so enrolled the name of the farm on which he resides, or the location of the house in which he dwells, and the name of the road nearest to his dwelling place. The said enrollment book shall be written in a plain, legible manner, with ink, and shall be carefully preserved by said supervisor.

Sec. 10. Be it further enacted, That the said supervisor shall have authority to administer oath and in making his enrollment of road hands or at any time when it may become necessary to list persons for road service, if the person proposed to be listed shall claim to be over 45 or under 18 years of age, the said supervisor may take the affidavit of such person or of any other person who can testify as to the age of the person so proposed to be listed, which affidavit or affidavits shall be in writing and subscribed by the affiant, and the same shall be preserved and filed by such supervisor in the office of the judge of probate, except in cases where he has cause to believe that perjury has been committed, when he shall return such certificate to the next grand jury: Provided, that in listing persons for road duty no person who has lost an arm or a leg shall be listed for road service.

Sec. 11. Be it further enacted, That when the road supervisor shall have completed the list of persons subject to road duty as provided by section 9 of this act he shall make two copies of the same, one of which he shall deliver to the contractor for working the public roads in his precinct, and the other he shall file with the judge of probate, who shall carefully preserve the same for the use of the Commissioners Court, and for inspection by the

public; and the said supervisor shall from time to time during each year enroll upon his book of road hands and make supplemental lists of persons subject to road duty who may have escaped enrollment, or who have become residents of the precinct after the regular enrollment.

Duty of supervisor

Sec. 12. Be it further enacted, That it shall be the duty of the supervisor to attend the superintendent of public roads on his inspection and to give him from time to time information, between inspections of the condition of the roads in his precinct, and to give notice also to the contractor of the breaks in or obstructions on the roads, or damage suffered by any bridge, culvert or cause-way in his precinct.

Who required to move roads

Sec. 13. Be it further enacted, That all male inhabitants of Talladega county, except the inhabitants of cities and towns having a municipal acting organization, between the ages of 18 and 45 years of age, and not exempt from road duty under the general laws of the State, shall be required to work upon the public roads of said county for five days in each year, or instead thereof, shall pay the sum of three and 75-100 dollars annually, or may pay a part in money and a part in labor at seventy-five cents per day, to be collected as hereinafter provided.

Lowest Bidder

Sec. 14. Be it further enacted, That the Court of County Commissioners of said county, at its first regular term in each year, shall, after giving notice for two weeks in some newspaper, published in the county, let to the lowest responsible bidder the contracts for repairing, working, changing, opening and maintaining the public roads of said county, under such specifications as it may determine: Provided, that no contract shall be let for less than the roads of an entire precinct, except that where an old road is to be changed, or a new road opened, or special piece of road working or repairing is to be done, the same may be reserved for special letting, should the Court so determine.

Bond

Sec. 15. Be it further enacted, That each contractor shall give a bond, with surety, to be approved by said Court, with waiver of exemption as to personality, in double the amount of his contract, pay-

able to the county, and conditioned for the faithful performance of the contract. He shall furnish his own tools and implements with which to work the roads for all his hands. He shall at the end of each quarter, report to the superintendent of roads the number of days worked, and by whom, and the amount of money collected and by whom paid. Whenever he shall determine that a road needs repair or working he shall call upon such hands as have been listed to him as he may deem sufficient in number, for not exceeding two days work in any one week, but may take instead thereof seventy-five cents for each days work for which each hand is called, at the option of the road hand, and if any hand shall fail or refuse to work or pay the amount of seventy-five cents for each day he shall so fail or refuse, it shall be the duty of the contractor to return him to a justice of the peace in the precinct, or if there be no justice in the precinct, then to the nearest justice of the peace in any adjoining precinct, and such road hand shall be proceeded against as a road defaulter under the general laws of the State.

Duties

Sec. 16. Be it further enacted, That it shall be the duty of the superintendent before any contractor is settled with to inspect the work done, and if the work has been done as provided in the contract, to so certify to the Commissioners Court, but in case such contractor has failed to comply with his contract, the superintendent shall report the probable amount necessary to be expended to have contract fulfilled, and such amount shall be withheld by the Court until the terms of the contract shall have been complied with, as shown by the report of the superintendent, or the same is determined by the Commissioners Court on hearings with the contractor.

Settlement

Sec. 17. Be it further enacted, That in making settlements with contractors the county shall have credit for all money paid to the contractor during the quarter, and for all work done by those subject to road duty, at the rate of seventy-five cents per day: Provided, that no contract shall be valid in which any person charged with the execution of this law shall be directly interested.

Days work
Warning

Sec. 18. Be it further enacted, That a day's work for road hands under the provisions of this act shall be ten hours of actual service and the warning of hands shall be made by the contractor in person or by substitute, by giving one days notice to the hands, stating to the hands on what road and at what point on the road the hand shall report for service, or may be made by leaving a written notice for the same length of time at the residence of the hand, but no hand shall be worked for more than two days in any one week, unless it be for the removal of an obstruction or other casualty that prevents travel, occurring after he shall have worked two days. No hand shall be required to go more than six miles from his residence in working the public roads.

In case of
removal

Sec. 19. Be it further enacted, That when a road hand listed to a contractor who has performed part of his road service removes from a Precinct, it shall be the duty of the contractor to furnish him on demand a written certificate showing the time he has served during the current calendar year, which certificate shall be an exemption to such hand, to the extent of time worked, from road service in any other Precinct in the county, to which he may remove.

Fines

Sec. 20. Be it further enacted, That all fines imposed upon road defaulters shall be paid in lawful money, and when collected shall be paid by the justice to the county treasurer to the credit of the road fund, and shall in no event be retained or otherwise appropriated by such justice.

Misdemean-
ants to
work roads

Sec. 21. Be it further enacted, That the Court of County Commissioners, after the expiration of present contracts, shall employ the misdemeanants sentenced to hard labor for said county in working the public roads thereof, or may let them to hire to any road contractor in the county, under such rules and regulations as it may adopt, as to feeding, clothing, housing, medical attention and guarding, but no female convict shall be worked upon the public roads, but may be let to contractors for service for cooking, washing, sewing and such like employment in camps, stockades, barracks or prisons, or employed for such purposes under the di-

rection of the Commissioners Court when not let to contractors.

Sec. 22. Be it further enacted, That when any person is convicted in any of the Courts of said county for any offense other than a felony, and sentenced to hard labor as a punishment or for the payment of fine and costs, or either, the Commissioners Court shall require such criminal or criminals to work upon the public roads of the county, and may let the same to a contractor or contractors under such regulations as it may direct, allowing such convict as a credit on said fine and costs for their labor not less than thirty cents per day until said fine and costs are paid, or otherwise secured, as provided by law; and when convicts are so worked by the direction of the Commissioners Court or by it let to contractors, the time so worked out in payment of the fine and costs, at not less than thirty cents per day, shall be paid out of the road fund of the county upon the order of the Commissioners' Court to the clerk of the Court or the justice of the peace before whom such convict was sentenced, at the time when such convict was delivered, or at the next term of the Commissioners Court thereafter, and the said clerk or justice must thereupon pay the amount received for the sentence for fine to the county treasurer to the credit of the fine and forfeiture fund, and the amount received in payment of the costs shall be disbursed by said clerk or justice as provided by law.

Allowance
per day etc

Sec. 23. Be it further enacted, That when a new public road is to be opened or an old road changed in said county, (except minor changes otherwise provided for), instead of a jury of view as provided by Section 2447 of the Code of 1896, the Court of County Commissioners shall appoint a competent civil engineer or surveyor to view, locate and mark out the best route for such proposed new road or change of old road, and to assess the value of the land to be taken for such new or change of road, and such engineer or surveyor must, before entering upon such duty take and subscribe an oath to view and work out the road to the greatest advantage to the public, and must, after viewing and marking out the route, make report and return the same with plot to the Court, together with an assess-

Civil
engineer

ment of the value of the land of each land owner that will be taken if the road is opened over the route marked out.

Notice to land
owners

Sec. 24. Be it further enacted, That upon the hearing of the report and return of the civil engineer or surveyor, as provided in section 23 of this act, the Commissioners Court must cause notice to be served on the owner or owners of each tract or parcel of land over which the road has been marked, showing the route marked out, the quantity of land that will be taken from said owner, if the road is opened, and the amount of compensation that the report of the engineer or surveyor shows should be paid to said owner as the value of his land so to be taken; and appointing a day on which the Court will hear any objections to said report, or to any valuation therein shown. Said notice shall be served by the sheriff by personal service on the owner or owners, or if such owner cannot be found, but has a residence in the county, by leaving a copy of said notice at his residence. Should it be made known to the Court by the return of the engineer or surveyor, or from any other source, that the owner or owners of the land, or any part thereof, reside out of the State, then like notice shall be given such owner or owners by publication for three successive weeks in some newspaper published in the county.

Shall act on
report

Sec. 25. Be it further enacted, That on the day appointed as provided by section 24 of this act, the Court shall proceed to act on said report of view and assessment of valuation in all respects as provided by section 2449 of the code of 1896: Provided, that by direction of the superintendent of roads, minor changes may be made in old roads with the consent of the owner of the land taken for such change; and provided further, that the Court of County Commissioners may contract with land owners for a right of way for changing old roads or opening new roads.

Road tax

Sec. 26. Be it further enacted, That for the purpose of providing the means for effectuating the purposes of this act, the Court of County Commissioners of Talladega county shall levy in each year, commencing with the year 1899, at the time of mak-

ing other levies for county purposes, a special tax of one and one-half tenths of one per cent. (fifteen cents on the one hundred dollars) on the taxable property of said county, which levy shall be a part of the one-half of one per cent. now authorized by the constitution of Alabama to be levied for county purposes, the said special tax to be assessed and collected as other taxes for county purposes, and which, when paid into the county treasury, shall be kept separate from other funds and used for the purpose of aiding in the construction, repairing and working the public roads and bridges in said county and for carrying out the purposes of this act: Provided, that the commissions for assessing and collecting said tax shall not be paid separately, but as a part of the county tax.

Sec. 27. Be it further enacted, That the net proceeds of the special levy provided for by section 26 of this act, shall be designated "county road fund," and be so entered on the books of the county treasurer, and shall be disbursed upon the orders of the Court of County Commissioners: Provided, that the said fund may from time to time be augmented by the appropriation of such other monies as said Court may see proper to make, consistent with other requirements for county purposes.

Sec. 28. Be it further enacted, That it shall be the duty of the Court of County Commissioners of Talladega county to have this act printed for the use of said Court and the other Courts of said county, and for the officers herein named and persons desiring to submit bids for contracts.

Section 29. Be it further enacted, That except as herein otherwise provided, this act shall not go into effect until the 1st of January, 1900; and except as the same may be in conflict with this act the laws now in force in Talladega county, in reference to public roads, bridges and highways, shall continue in force and effect until this act shall take effect in full.

Approved December 12th, 1898.

No. 97)

AN ACT

(H. 379)

To establish a County Court for the County of Clay.

County court Section 1. Be it enacted by the General Assembly of Alabama, That there is hereby established in and for said County of Clay, an Inferior Court of Law and Equity, which shall be called the County Court of Clay, and which shall have and exercise all the jurisdictions and powers which are now, or may hereafter be conferred by law on the several Circuit and Chancery Courts of the State, as well as those now conferred upon the present County Court of Clay under the existing laws and statutes of this State. In exercising the jurisdiction and powers of courts of law, said County Court of Clay shall conform to the rule of procedure and practice in the Circuit Courts of the State, and when exercising the powers and jurisdiction of the Courts of Equity, it shall conform to the rules of procedure and practice in the Chancery Courts of the State, except when such rules, procedure and practice are changed by this act: Provided, that the presiding judge shall have the power to make and adopt such rules of practice not inconsistent with the general rules of practice and the statutes of Alabama, as may be required by a proper system of City Court practice, and he may amend the same as may be expedient; such rules shall be entered upon the minutes of said Court and the same may be changed or amended by the Supreme Court of the State.

Rules of practice

Judge appointed by governor Sec. 2. Be it further enacted, That a judge for said County Court shall be appointed by the governor of the State within fifteen days after the approval of this act, whose term of office shall be six years from the date of his appointment, and in like manner said judge's successor shall be appointed every six years thereafter. The judge so appointed by the governor, as herein provided, shall take the oath of office as required by law to be taken by judges of the Circuit Courts, and shall be removed from office for the same causes and in the same manner as judges of the Circuit Courts. He shall have and exercise all the jurisdiction and powers

Term, etc

which are or may be hereafter lawfully exercised by judges of the Circuit Courts, and chancellors of the State, including authority to issue writs of injunction, prohibition, certiorari, mandamus, habeas corpus, ne exeat, and all other remedial writs returnable to any Courts in this State.

Sec. 3. Be it further enacted, That the judge of said County Court shall be a citizen of Clay county at the time of his appointment, and during his continuance in office, shall reside in said county, and at the time of his appointment, shall have been a citizen of the State for a period of five years next preceding his appointment, and shall not be less than twenty-five years of age, and learned in the law. Vacancies in the office of the judge of said County Court shall be filled by the governor, and the person so appointed shall hold said office during the unexpired term of his predecessor, and until his successor shall be appointed and qualified.

Qualification
of Judge

Sec. 4. Be it further enacted, That the clerk and the register of said Court shall be appointed by the judge thereof, and such appointees shall hold office during the term of the judge appointing them. In the absence of any appointment by the judge, the clerk of the Circuit Court of said county shall act as clerk on the law side of said docket, and such clerk shall also be eligible to appointment as ex-officio clerk of said County Court, and shall give bond in the same sum, and conditioned as the bond of the Clerk of the Circuit Court of said county, and shall be liable to the same pains and penalties, and shall discharge the same duties as the clerk of said Court, and shall receive the same fees as clerk of the Circuit Court, to be collected as such fees are collected in the Circuit Court.

Clerk and
register

Sec. 5. Be it further enacted, That the judge of said Court shall appoint a register on the equity side of the docket, who shall hold office during the term of the judge appointing him, and the register in chancery Court of said county is eligible to such appointment, and shall discharge the duties thereof as ex-officio register until and unless some other person is appointed to fill such office. Such register shall have all the powers and be liable to perform

Register

all the duties, and shall be subject to the same pains and penalties, as the register in chancery for said county with regard to all business coming into said Court on the equity side thereof, and shall be entitled to the same fees as will or may be allowed the register in chancery for like services and the same shall be collected as such fees are collected in the Chancery Court.

Terms of

court

Sec. 6. Be it further enacted, That said County Court shall be held in the court house of said county, and the records thereof in all cases of law kept in the office of the clerk of said Court. Said Court shall hold two regular terms in each year; special terms may also be held, when in the opinion of the judge of said Court, it shall be necessary for the proper transaction of business, of which special term ten days' notice shall be given by publication in some newspaper in said county. Regular terms of said Court shall be held as follows: Beginning on the first Monday in March in each year, and continuing until the last Saturday in July; and on the first Monday in September in each year, and continuing until the last Saturday in January. Said Court may take recesses from time to time during the terms thereof, when the business will permit.

Time to ap-
pear, etc

Sec. 7. Be it further enacted, That in all civil cases at law in said County Court, the defendants therein shall be required by the summons therein served upon them to appear, plead or demur to the complaint within thirty days after such service of summons and complaint upon them, whether such service shall be executed in term time or in vacation. In cases commenced otherwise than by suing out and service of summons and complaint, defendants shall appear, plead or demur within thirty days after perfection of service, notice or publication upon them, whether the same shall occur in term time or in vacation, and in all cases after thirty days from such service, notice or perfection of publication, such cause shall be at issue and triable when the same shall be reached on the regular call of the docket. Any defendant failing for more than thirty days after such service, notice, or perfection of publication, in any cause to appear there-

in, plead or demur, shall be held to be in default and judgment by default may be rendered against him upon motion of plaintiff, or his counsel, at any time thereafter: Provided, that for good cause shown the judge of said Court may allow pleas or other defenses to be filed after thirty days on such terms as he may think just; provided, further, however, that the judge shall have no authority to allow pleas or other defenses to be filed after thirty days from the perfection of service on the defendants, except by the consent of the opposing party, or unless such pleas or other defenses are accompanied by an affidavit made by the defendant, or his attorney of record, that in belief of the affiant, the defendant has a meritorious defense to the cause of action asserted in the complaint, and that such pleas or other defenses are not interposed for delay. When such affidavit is made, it shall be within the discretion of the judge whether he will allow such default on judgment to be opened or not, and he may impose such terms with reference to the cost of a case, as to him may seem proper.

Sec. 8. Be it further enacted, That all original and mesne process issuing from said Court shall be executed instanter, and returned immediately upon execution thereof by the officer receiving the same. Original and
mesne pro-
cess

Sec. 9. Be it further enacted, That all appeals in civil cases at law from inferior Courts to said County Court shall stand for trial when reached on a regular call of the docket, at any time after ten days' notice of such appeal shall have been given to the adverse party, as required by law. Appeals to

Sec. 10. Be it further enacted, That there shall be appointed a solicitor for said Court, whose term of office shall continue for six years and until his successor is appointed and qualified. Such solicitor shall be appointed by the governor of the State within fifteen days from the approval of this act, and the subsequent appointments shall be made by the governor of the State, on or before the expiration of the term of office of the incumbent, to take effect upon such expiration, such appointment shall not be made exceeding fifteen days before the time of office for which the incumbent was appointed shall expire. In the event of the death of Solicitor

such solicitor, or his resignation, or removal from office, the governor shall appoint his successor, who shall hold office during the unexpired time of the appointee. Such solicitor shall be learned in the law, and at the time of his appointment shall be a citizen of Clay county, and shall remain so during his continuance in said office. Said solicitor shall be charged with the performance of the same duties in said Court, and subject to the same liabilities and penalties in respect thereto, as by law are imposed upon circuit solicitors in like cases in the Circuit Courts of the State; and said solicitor shall receive for his compensation for such services the same fees as are taxed by law for solicitor's fees in criminal cases in the Circuit Courts of the State, to be taxed and collected in said county in the same manner as such fees are taxed and collected in said Circuit Courts: Provided, however, that all the fees so collected up to six hundred dollars per annum shall be paid to said solicitor, and three-fourths of the balance thereof shall be paid to the county treasurer of Clay county. The solicitor of said Court shall have a claim against the fine and forfeiture fund of said county for his fees in cases where convictions are had and fees cannot be collected: Provided, that he should have such claim only in case the aggregate amount of salary in fees received by him for one year shall fall below six hundred dollars, and for the purpose of making up the deficit in his salary to him, which shall be paid as other claims against the fund.

Jury terms

Sec. 11. Be it further enacted, That there shall be two jury terms in said court each year, one to commence on the second Monday in April, and the other to commence on the second Monday in October, and said jury terms may continue until the business of the Court shall have been disposed of, and that grand and petit jurors for the trial of causes in said Court shall be drawn by the judge and clerk of said Court in the same manner as is now provided by law for drawing juries for the Circuit Court of said county. Said juries shall be drawn at least twenty days before the first day on which they are to serve, and they shall be summoned and impaneled in the same manner as is or may hereafter be

provided by law for summoning and impaneling such juries in the Circuit Court of said county, and said County Court shall have the power to order special venires, swear, impanel and summons tales jurors as the Circuit Courts of the State: Provided, that juries for the trial of capital cases shall be drawn, summoned and impaneled in the same manner as is now or may hereafter be provided by law for drawing, summoning and impaneling juries for the trial of capital cases in the Circuit Court of said county, except that the drawing of all juries under any section of this act shall be by the judge and clerk of said Court; provided, further, that on the request of the judge of said Court, the probate judge of said County of Clay shall deliver the jury box of said county to such judge and clerk for the purpose of drawing juries as hereinabove in this and other sections provided. The challenges of jurors shall be the same as now or hereafter may be provided by law in the Circuit Courts of the State, and all laws applicable to jurors and juries in the Circuit Courts of the State shall apply equally to this Court, except as otherwise provided by this act; provided, that grand juries shall be impaneled and organized at each jury term of said Court, unless the judge thereof deem such grand jury unnecessary, in which case he may by order in writing spread on the minutes of the Court direct the clerk not to issue a venire for grand jurors at such term; provided, further, that whenever in the opinion of the judge of said Court it is necessary to organize a grand jury for the investigation of any capital offense committed in said county, the judge of said Court may by order made and entered upon the minutes of said Court, order a special grand jury drawn and summoned for that purpose, and may organize, impanel and charge such special grand jury, and he may also in like manner order a special petit jury drawn and summoned for the purpose of trying any person indicted by said special grand jury, and may proceed to organize and impanel such special petit jury and try such cause, at any time he may deem such proceeding necessary.

Jury terms

Trials with or
without
Jury

Sec. 12. Be it further enacted, That in all civil cases at law in said Court, the issue and question of fact shall be tried by the Court without the intervention of a jury unless a jury be demanded by the plaintiff at the commencement of the suit, by endorsing such demand on the summons and complaint or other original process, or by the defendant or other party at his appearance by endorsing such demand in writing on the plea of demurrer, or other pleadings: Provided, that when a cause is transferred to said County Court, the demand for a jury shall be made at the time of the application for such transfer, and the failure to demand a jury as above directed shall be deemed and held as a waiver of the right to trial by jury; provided, that whenever a jury is demanded by either party in any civil cause the party so demanding a jury shall deposit with the clerk of said Court, and by him paid into the county treasury a jury tax fee of four dollars, which said fee shall be taxed in the bill of costs on the final disposition of the case, as a part of the costs, and when collected shall be refunded to the party paying the same.

Bill of excep-
tions

Sec. 13. Be it further enacted, That in the trial of any cause at law without a jury in said County Court in addition to the questions which may be under existing laws presented to the Supreme Court for review, either party may by a bill of exceptions also present for review, the conclusions and judgments of the Court, on the evidence, and the Supreme Court shall review the same, without any presumption in favor of the Court below on the evidence, and if there be error shall render such judgment in the cause as the Court below should have rendered, or reverse and remand the same for further proceedings as the Supreme Court shall deem proper.

Change of
venue

Sec. 14. Be it further enacted, That the venue in any cause in said County Court may be changed to other counties than Clay county under the same rules and regulations as govern changes of venue in the Circuit Courts of the State. Cases that are now pending, or may hereafter be pending in the Circuit or Chancery Courts of Clay county, either in term time or in vacation, may be transferred to

Cases pend-
ing

said County Court by consent of the parties to the same, made in writing and filed in said cause, or entered of record, which shall thereupon proceed and dispose of the same, as if they had been originally instituted in said County Court, and the clerk or register of the Court from which said causes shall be so transferred shall deliver all the papers, pleadings and evidence pertaining to said causes, together with a certified transcript of all minute entries made therein to the register or clerk of said County Court, as the case may be.

Sec. 15. Be it further enacted, That appeals and writs of certiorari may be taken to said County Courts from Justice Courts of the County of Clay in all cases where appeals and writs of certiorari may under the law, now or hereafter existing, be taken from Justice Courts to the Circuit Court of said county and in the same manner. And justices of the peace of said county, may bind any person over for his appearance to answer any indictment or any charge to be preferred by the grand jury of said Court in any case in which such justice of the peace may by law bind any person to appear and answer any charge in the Circuit Court. Appeals to

Sec. 16. Be it further enacted, That any person charged with the commission of a misdemeanor may be tried in said County Court upon information, and the proceedings in such case shall be the same as now provided by law for trials upon information in the County Courts under the general laws of this State except that no appeal shall lie in such case to the Circuit Court: Provided, however, that any person so charged may of right demand a jury for the trial of said cause, which demand shall be in writing, and filed in the office of the clerk of said Court, but unless said demand is made within ten days from the arrest of such defendant, he shall be held to have waived the right of trial by jury. Trial of misdemeanors

Sec. 17. Be it further enacted, That the Supreme Court shall have appellate and supervisory jurisdiction over the said County Court, and all cases in law and equity may be appealed or removed to the Supreme Court in the same manner and under the same rules that cases are appealed or removed from the Circuit or Chancery Courts of the State, and the Appeals to Supreme court

- appellate and supervisory jurisdiction of the Supreme Court over the said County Court or the judge thereof shall be exercised in the same manner as in like cases over the Circuit Court or judge thereof or over the Chancery Courts or chancellors, and all bills of exceptions shall be presented to and signed by the judge of said County Court within thirty days after the trial of a cause, unless such time be extended by order of the Court entered in the cause, or by agreement of counsel, in writing, filed in the cause, and motions for new trials shall be made at any time during the term, within ten days after the trial of a case. But such motions for new trials shall be passed upon within thirty days after such trial, and shall be deemed and held to be overruled unless so passed upon: Provided, however, that the Court may in its discretion, by order entered of record, continue the time for passing on such motion to a later day of the term.
- Motions for new trials
- Salary of judge
- Sec. 18. Be it further enacted, That the salary of the judge of said County Court shall be eight hundred and fifty dollars per annum, and the same shall be paid quarterly out of the general fund of the treasury of the County of Clay, upon the order of the said judge, and shall be a preferred claim against said fund.
- Adjournments
- Sec. 19. Be it further enacted, That there may be temporary adjournments of the said County Court, during the terms thereof, such as may be deemed expedient and proper by the judge of the same.
- Duty of sheriff
- Sec. 20. Be it further enacted, That the sheriff of said county in person or by deputy, is required to attend said Court, to preserve order, and execute its process, and perform such other duties in all respects as in the Circuit and Chancery Courts of the State, and he shall furnish all such subordinate officers as may be necessary to expedite the business of the Court, the same as he is now required to do under the laws governing him as officer of the Circuit and Chancery Courts of the State. Said sheriff shall have all the powers and perform all the duties and do all things while the Court is in session that sheriffs may have and do in vacation. The fees of the officers of said County Court for services rendered and the compensation
- Fees

of jurors and witnesses therein shall be the same as are now or may hereafter be allowed for such services in the Circuit or Chancery Courts of the State, and payable in the same manner: Provided, that witnesses must claim their attendance within five days from their discharge, and such officers, jurors and witnesses shall be subject to the same penalties and liabilities as when acting under the authority of the Circuit or Chancery Courts of the State. The judge of said court shall have the power to appoint a solicitor pro tempore in the case of the absence or disqualification of the solicitor of said Court, who for the convictions under his prosecution shall be entitled to the same fees as the solicitor of the Court. That when the solicitor pro tempore is appointed the amount of fees collected by him shall be deducted from the salary of the regular solicitor: Solicitor pro-
tem Provided, that the jurors and bailiffs of said County Court shall be paid out of the general fund of Clay County, and all fees in said County Court in criminal cases due the clerk and sheriffs, and State witnesses which become fine and forfeiture claims under the general laws of this State shall be registered against the fine and forfeiture fund of said county, in the same manner and paid from said fund in the same manner as fine and forfeiture claims from the Circuit Court of said County are registered and paid. Payment of
fees

Sec 21. Be it further enacted, That after ten days from the rendition of any judgment, or decree, in said Court, unless said judgment or decree direct otherwise, the clerk of said Court unless ordered in writing not to do so, entered upon his order book, kept for that purpose, and signed by the persons entitled thereto, or his attorney or agent, or entered of record, shall issue an execution, returnable six months from date of issuance, and the register of said Court, upon the order of the party entitled to the proceeds thereof, shall execute any order and decree of sale of any real estate or personal property, and shall issue execution upon any judgment over or cost for which a decree has been rendered in equity in said Court, after complying with the rules governing registers in chancery for the sale of real or personal property and issuing executions Executions

in this State: Provided, nothing herein contained shall prevent any person from making affidavit and having execution issued immediately, as now provided by law: and provided, further, that nothing herein contained shall prevent the superseding of executions after issuance of the same, upon filing bond or otherwise as now required by law.

Fines and forfeitures Sec. 22. Be it further enacted, That the fines and forfeiture from said County Court shall be collected and disposed of in the same manner as fines and forfeitures from the Circuit Court of said county, except in cases where otherwise provided by this act.

Laws applying to Sec. 23. Be it further enacted, That all laws of a general nature now in force, or which may hereafter be enacted, giving jurisdiction to the Circuit and Chancery Courts of the State, shall be held to extend and apply to the said County Court of Clay county, although said County Court may not be mentioned therein, unless the contrary be expressly provided, but the provisions of sections ten and eleven of this act shall not be changed by any general law; unless such law shall be made expressly applicable to the said County Court by name.

Hearing on pleadings Sec. 24. Be it further enacted, That in all civil cases at law this Court may set down any cases for hearing on the pleadings alone, and render judgment thereon, and error may be assigned on such judgment on appeal taken after the final determination of the cause, but in all jury cases, unless such pleadings shall have been settled theretofore, the Court must take the week immediately preceding each jury term for the settlement of the pleadings in such cases, and must see to it that the issues are made up before the first day of the jury term: Provided, that nothing contained herein shall prevent the Court from extending the time of settling the pleadings, when in its judgment it is proper to do so, but in all such cases, the judge shall have the right to impose such terms as seem to him proper, before granting such extension of time for settlement of pleadings.

Sec. 25. Be it further enacted, That all cases of misdemeanors returned by justices of the peace or appeals from the justices or other Courts of said

county, the said County Court shall be tried upon the complaint of the solicitor, filed in the cause, which complaint shall be in the form and of such sufficiency as required by law, and shall be subject to amendment. Trial of misdemeanors

Sec. 26. Be it further enacted, That misdemeanors in said Court shall be tried by the judge thereof without a jury unless a trial by jury be demanded, and a failure to make such demand within ten days after the defendant is arrested shall be held to be a waiver of the right of a trial by jury. Trial without jury, unless jury demanded

Sec. 27. Be it further enacted, That all the expenses of said County Court, not otherwise specially provided for by this act, shall be paid out of the general fund of the treasury of Clay County, in the same manner, and on the same conditions, as the expenses of the Circuit Court are paid. Expenses

Sec. 28. Be it further enacted, That all sales of real or personal property made under the orders and decrees of said County Court, shall be made under the same rules and regulations that sales from the Circuit and Chancery Courts are made in this State. Sales

Sec. 29. Be it further provided, That the judge of said Court shall, as soon as he is appointed and qualified, proceed to open and organize said Court, without delay, and conduct the business of the first term thereof. On the first Monday in each month the Court shall sound the docket for the purpose of setting down for trial all non-jury cases, and for the settlement of the pleadings in jury cases, and whenever practicable, he shall require the pleas in non-jury cases to be settled on a day previous to the day on which they are set down for trial. Duties of judge

Sec. 30. Be it further enacted, That final judgments and decrees rendered in said Court shall, after the expiration of thirty days from their rendition, be taken and deemed as completely beyond the control of the Court, as if the term of said Court, at which said judgments and decrees are rendered, had ended at the end of said thirty days: Provided, however, that nothing herein contained shall prevent parties from applying for new trials or rehearings within thirty days, or destroy or change the effect of motion for new trials or rehearings when Judgements and decrees

so made, or shall prevent parties from applying to said Court for a rehearing under the statute authorizing applications for rehearings in the Circuit Court from retrying any cause under the Code of Alabama, or shall prevent the Court from the exercise of any power or jurisdiction conferred upon the Circuit Court touching final judgments, or the Chancery Court touching final decrees.

Duties of
clerk of
circuit
court

Sec. 31. Be it further enacted, That after the expiration of the February term, 1899, of the Circuit Court of Clay county, Alabama, the clerk of the Circuit Court shall transfer all criminal causes pending in the Circuit Court from said Circuit Court to said County Court, and enter the same on the docket of the County Court, and transfer all indictments and papers pertaining to said causes, and a transcript of all docket entries therein to said County Court, and said County Court shall proceed to try said causes, as if the indictments therein had been returned into said County Court in the first instance. And after the passage of this act, all indictments returned by the grand juries into the Circuit Court shall be by the clerk of said Circuit Court entered upon the docket of the County Court, and all process issued in such cases shall be made returnable to said County Court, and the County Court shall take jurisdiction of such cases as if the indictments therein had been returned into said County Court in the first instance.

Juries

Sec. 32. Be it further enacted, That whenever it shall be necessary to draw any grand jury or petit jury, regular or special, for said County Court, and the jury box of said county shall be empty, or not have sufficient names therein to complete such jury, said Court may by an order made and entered on the minutes of the Court, direct the sheriff to summons such jury, or sufficient jurors to complete the same, as the case may demand, from the qualified citizens of Clay county, and such jurors so summoned and impaneled, shall constitute the jury for which they are summoned and impaneled as if they had been regularly drawn from the jury box.

Collection of
fees

Sec. 33. Be it further enacted, That the fees required by law in misdemeanor cases triable in County Court under the general statutes of Alabama, to be paid to the judge of said Court, shall be

collected as now provided by law, and paid to the county treasurer of said county, for the use of the county.

Sec. 34. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Repeal

Approved December 13th, 1898.

No. 98)

AN ACT

(H. 340

To better provide for the working of the public roads of St.-Clair, Cherokee, Franklin and Shelby counties.

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners of St.-Clair, Cherokee, Franklin and Shelby counties, shall, at their first regular meeting after the passage and approval of this act, and biennially thereafter, appoint one superintendent of public roads in each precinct in said counties, who shall be subject to road duty, and shall serve for a period of two years.

Road super-
intendents

Sec. 2. Be it further enacted, That the duty of each precinct superintendent of public roads shall be as follows: 1. To appoint good and intelligent overseers in his respective precinct, who shall be subject to road duty. 2. To apportion to overseers in his precinct all public roads to be worked, subdividing the same, so as to make them as near equal as possible, taking into consideration roads which are rough and hard to keep in repair. Overseers on such roads should not have as many miles assigned to them to keep in repair as those who shall have been allotted better roads. 3. To make out a list of the names of all the hands in his precinct who shall be subject to road duty, and deliver to each overseer a pro rata list of the names of such hands. 4. To furnish to each overseer a specification stating the manner in which his road shall be worked, and requiring him to work his road twice in every year—January and August. 5. To see that overseers in his precinct shall cause to be erected mile-posts

Duties

Duties

and sign-boards. 6. To report to the grand jury of St.-Clair, Cherokee, Franklin and Shelby counties every six months, the condition of all the public roads in his precinct, good or bad. 7. To report to the grand juries the name of any overseer in his precinct whose road is in bad condition. 8. To report to the Court of County Commissioners the names of all the overseers in his precinct and the roads over which they shall have been appointed. 9. To make out a list for one road plow and one road scraper for each overseer in his district on whatever roads such implements can be used to any advantage, to be presented to the judges of probate of St.-Clair, Cherokee, Franklin and Shelby counties.

Sec. 3. Be it further enacted, That any overseer in conjunction with the district superintendent of public roads, may contract for the building of small bridges, causeways and culverts, or may contract for such timber and material as may be necessary for repairing the same; and shall also contract for the establishment of mile-posts and the erection of sign-boards.

Warning

Sec. 4. Be it further enacted, That each overseer, in notifying the hands apportioned to him by the district superintendent to work on public roads, shall give each one of them sufficient warning, the notice required by law. He shall make a memorandum of all the defaulters, to be proceeded against under the general law.

Tools

Sec. 5. Be it further enacted, That the overseer in notifying hands to work on public roads shall tell them what kind of tools to bring with which to work.

Dismissals

Sec. 6. Be it further enacted, That any overseer of a public road in said counties, shall dismiss from service any hand, whether working for himself or as a substitute, who shall fail, or refuse to do good and sufficient work, or who shall hinder other hands from labor, or who may be intoxicated, or who shall refuse to obey all reasonable orders; and such person shall be proceeded against as though he had failed or refused to obey the notice to work on the road, for which he was warned.

Sec. 7. Be it further enacted, That each precinct overseer shall take good care of all tools and imple-

ments turned over to him by the Court of County Commissioners and shall use the same only to work on the public roads of said counties, and to deliver the same to his successor at the expiration of the term of his services, taking a receipt of said successor for them, which receipt shall be in the name of the Court of County Commissioners of St.-Clair, Cherokee, Franklin or Shelby counties, and as an illustration, shall read somewhat like the following: "Bay State Furnace, January . . . , 1897 (as the case may be), I have this day received of the Court of County Commissioners of St.-Clair county, per John Styles (here writing the real name), overseer on public road leading from Bay State Furnace to Big Valley road, one road plow and one road scrape, or six shovels and four picks, as the case may be, and I hereby agree to use them only in working the road assigned me, and pledge my word to take good care of the same. Dallas, C. A.; overseer." Such receipt shall be delivered to the judges of probate of St.-Clair, Cherokee, Franklin and Shelby counties to be filed away.

Sec. 8. Be it further enacted, That each precinct overseer, whenever he may think necessary to do so, shall hire at a reasonable price, an ox, horse or mule team, or teams, to work, to plow, or scrape for the purpose of repairing public roads.

Sec. 9. Be it further enacted, That each overseer in said counties, shall be appointed to serve for a period of two years; and when his time shall have expired, he shall be relieved of road duty for a period of two years.

Sec. 10. Be it further enacted, That all orders for the payment of the hire of teams, and for contracts for small bridges, causeways and culverts, mile-posts, sign-boards, timber and material, shall be addressed to the judges of probate, and in favor of the person to whom money shall be due. Such orders shall be signed by the overseer, and countersigned by the district superintendent of the public road in whose favor such debt or debts shall have been contracted. But no order shall be valid or paid unless countersigned by the district superintendent of public roads, without good cause can be shown to the Court of County Commissioners of

Duties of
overseers

May hire

Term

Orders for
payment

said counties why such order should be honored, and in all cases the order shall be subject to the approval of the Court of County Commissioners.

Duties of
judges of
probate

Sec. 11. Be it further enacted, That when orders shall have been presented to said judges of probate for payment, signed and approved in accordance with section (10) ten of this act, said judge of probate shall draw his warrant on the treasurer of St.-Clair, Cherokee, Franklin or Shelby counties for the amount which shall be due such person, and the treasurer shall pay the same, and charge to the debit of said county. Said judge of probate shall then make a record on the minutes of the Court of County Commissioners of said order, or orders, stating in whose favor, when paid, and the amount.

Removal of
Super-
intendent

Sec. 12. Be it further enacted, That the Court of County Commissioners may remove at any time, any district superintendent of public roads for neglect of duty, incompetency, drunkenness or for any cause that may induce it to believe that he is not a suitable person for the place, and shall appoint another person to fill the unexpired term; and such district superintendent, so removed, shall then be subject to road duty as other hands, and his name shall be placed on the list by his successor, and shall be warned by the overseer in his precinct to work on the public roads: Provided, further, should the place of district superintendent of public roads become vacant by death, a suitable person shall be appointed by said Court of County Commissioners to fill the unexpired term.

Vacancy

Purchase of
tools

Sec. 13. Be it further enacted, That said judges of probate shall correspond with hardware houses, to ascertain the lowest figures on road plows, road scrapes, shovels and picks, immediately after the passage of this act. He shall state in his letters of inquiry the style of the plow, kind of scrape, shovels and picks, and the number of each he may desire to purchase as the agent of St.-Clair, Cherokee, Franklin or Shelby county. All tools and implements shall be purchased for cash, so as to buy the goods as reasonable as possible. But no inferior tools or implements shall be purchased: Provided, further, should the financial condition of the counties be such that will not warrant the buying

of all these road plows and road scrapes for all the public roads at one purchase, the said judges of probate shall only purchase a certain number of each in keeping with the financial condition of said county, and let such overseers have the same that can use such labor-saving implements to a better advantage than can those on other section of roads. But whenever, or as often as the financial condition of the counties will justify it, said judges of probate shall purchase from time to time, the implements as aforesaid, until all the overseers in said counties shall have one road plow and one road scrape on roads that can be worked to advantage with them.

Sec. 14. Be it further enacted, That as often as said judges of probate shall make a purchase of implements as aforesaid, he shall draw his warrant on the treasurer of said counties in favor of the person from whom such purchase shall have been made, and said judges shall make a record of the same on the minutes of the Court of County Commissioners, stating in whose favor, when paid, and the amount.

Payment

Sec. 15. Be it further enacted, That as often as said judges of probate shall have received said tools and implements for distribution they shall notify each precinct superintendent of public roads of such fact, and the number of each kind of implements for each precinct. When said superintendents shall have received such notice, each precinct superintendent of public roads shall give an order to each one of his overseers in his precinct to said judges of probate for one road scrape and one road plow, for roads that can be worked to an advantage with them, and an order to other overseers for shovels and picks, for rough or hard roads to keep in repairs. Should there not be sufficient number of tools and implements with which to supply all of said overseers, than the district superintendent of public roads shall use his discretion as to which overseers he shall let have the tools and implements which shall have been selected for his district. When said judges shall have delivered them to said overseers, they shall take a receipt from each one of them in the name of the Court of County Commissioners of St. Clair, Cherokee, Franklin or Shelby county.

Distribution
of tools

Time to work Sec. 16. Be it further enacted, That all hands subject to road duty, under the general law, shall be required to work on public road (4) four days in each year or pay in money to his overseer one dollar (\$1.00) a day for each day he shall fail to work; which money must be paid his overseer on or before the day he is warned to commence work. The overseer receiving the money must immediately hire a hand to take his place on the road and report it to the district superintendent of public roads: Provided, further, no hand shall be required to work public road oftener than twice a year, nor more than two days each time, for the county.

Special tax Sec. 17. Be it further enacted, That the Court of County Commissioners of said counties shall levy a special tax of not less than one-tenth, or more than one-fifth of one per cent. on all taxable property of St. Clair, Cherokee, Franklin and Shelby counties, to be assessed and collected as other taxes, and when paid into the treasury, it shall be kept separate from other funds and used only for the purpose indicated in this act, which special tax shall be a part of that which is authorized by the Constitution for county purposes.

Amount due
each road
district. Sec. 18. Be it further enacted, That at the first terms of the Courts of County Commissioners of St. Clair, Cherokee, Franklin and Shelby counties, after the passage of this act, and after the assessment of special tax, provided for in this act, it shall calculate the amount of money that will be due each road district from said special tax and send a statement to each district superintendent of public roads, naming the amount of money due such district. After having received such notice, said district superintendent shall then make a calculation as to how much money there will be for each road in his district, and shall state to each district overseer the amount of money which is due his respective road, allowing some roads more money than other roads in his district, should they be more difficult to keep in repair than those of others in said district, where scrapes and plows cannot be used to advantage; and for the use of such roads the Court of County Commissioners of said counties shall furnish such overseers with good picks and shovels, and anything

else that may be necessary to put and keep them in good condition.

Sec. 19. Be it further enacted, That after the overseers in said counties shall have worked their hands the two (2) days in August, they shall hire hands at reasonable wages to work on public roads until all of special fund allowed them shall have been exhausted, including one dollar a day for each overseer.

Hire of hands

Sec. 20. Be it further enacted, That each overseer of said counties, after he shall have served the four (4) days on public roads, shall work not less than six hands a day in exhausting the special road fund for his road: Provided, further, for neglect of duty, indolence, drunkenness, or for any other valid cause, such road overseer shall be removed by the district superintendent and another person put in his place, to work out said special tax money.

Duties of
road over-
seers

Sec. 21. Be it further enacted, That the district superintendent of public roads shall be paid one dollar a day out of the general fund in the treasury for the days he actually served in the discharge of his duty provided for in this act: Provided, further, that said superintendent shall make out his account against St.-Clair, Cherokee, Franklin or Shelby county, overseers and their hands, and shall present the same to said judges of probate for settlement. Then said judges, as in other cases, shall make a record on the minutes of the Court of County Commissioners, stating in whose favor, when paid, and the amount. The treasurer shall then make the proper credit entries as claims against St.-Clair, Cherokee, Franklin or Shelby county. But in all cases, the claims of the superintendent, overseers, and all other persons shall be subject to the approval of the Commissioners Court.

Superintend-
ent's pay.

Sec. 22. Be it further enacted, That after the district superintendent of public roads shall have served two years, as such superintendent, he from road duty shall then be exempted for a period of two years.

Shall make
out accounts

Sec. 23. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this

Exempt

Repeal

act be, and the same are hereby repealed.

Approved December 13th, 1898.

No. 99)

AN ACT

(H. 378)

To further regulate the practice and procedure of the Circuit Court of Clay county, Alabama.

Grand juries

Indictments
transferredCounty court
must try

Time to plead

Terms of
circuit court

Section 1. Be it enacted by the General Assembly, of Alabama, That from and after the first day of March, 1899, no grand jury shall be drawn, impaneled and summoned for the Circuit Court of Clay county, Alabama, except upon the order of the Circuit judge of said Court, such order must be forwarded to the clerk thereof, and filed by him at least twenty days before the first day of the term of said Court, for which said grand jury shall be called. All indictments returned by such grand jury shall be immediately transferred by the clerk of said Court to the County Court of Clay county, Alabama, for trial, and it shall take no order of the Court to carry this provision into effect. The original indictment and a certified copy of all orders of Court relative to any of the same shall be delivered by the clerk of said Circuit Court to the clerk of said County Court. Upon the receipt of such indictment and copy of order, if any, said County Court shall have full jurisdiction to try, and must try, all of said causes as if said indictments had been found by the grand jury of said County Court, and the rules of practice and procedure in said County Court shall apply just as fully to said transferred causes as those originally filed therein.

Sec. 2. Be it further enacted, That all summons, attachments, writs and other process issuing out of said Court shall be made returnable within thirty days, and all defendants therein shall be required to plead, answer or demur thereto within such period of thirty days.

Sec. 3. Be it further enacted, That regular terms of said Circuit Court shall be held, to begin on the fourth Monday after the fourth Monday in July,

and the fourth Monday after the fourth Monday in January of each year, and may continue two weeks, if necessary, to dispose of the cases on the docket thereof. The first Monday of said Court shall be devoted to charging and impaneling the grand jury, if one is called, and settling the pleadings in jury cases. Petit jurors for said Court shall be summoned to appear not earlier than nine o'clock Tuesday morning of the first week, and a panel of Petit juries not more than twenty-four shall be summoned. Such petit jurors shall remain until the trial of the jury cases shall have been disposed of, whether it continues into the second week of the term or not, unless they be sooner discharged by the judge thereof. The non-jury docket shall, if practicable, be taken up and disposed of the second week of the term. Monday of the second week shall, unless the jury be retained for the trial of jury cases, be devoted to the settlement of pleadings in the non-jury cases, and the remainder of the week, or so much thereof as may be necessary, shall be devoted to the trial of said non-jury cases.

Sec. 4. Be it further enacted, That in all civil cases begun in said Court, the right of trial by jury shall be deemed to be waived unless at the time of the institution thereof, the plaintiff shall file a written demand for a trial by jury, which may be done, either upon a separate paper, or by indorsement upon the complaint, attachment writ, or other process by which said suit may be instituted. The right of trial by jury in civil cases shall be held to be waived by the defendant unless at the time of his first appearance, whether by plea, answer, demurrer or other paper, he shall demand such right of trial by jury, which may be done either by a separate paper, filed in the cause, or by indorsement upon the first paper filed by him therein. In cases of a demand for trial by jury by either the plaintiff or defendant, the parties so demanding the same must at the time thereof deposit with the clerk of said Court the sum of four dollars, which must be immediately paid by said clerk to the county treasurer of said county, for the use of said county. In the event the party demanding the jury shall gain the suit, said sum of four dollars shall be taxed

as a part of the cost thereof, for the benefit of the person so making the demand, and shall be collected as other costs, and when so collected, shall be paid over to such party.

Jury dockets Sec. 5. Be it further enacted, That the clerk of said Court shall keep a jury and non-jury docket. Upon the jury docket shall be entered all causes in which a trial by jury has been demanded, as herein above provided, and the jury tax paid. All other cases shall be entered upon the non-jury docket.

Talesmen Sec. 6. Be it further enacted, That in the event that the twenty-four jurors summoned shall not all appear, the number of those missing up to twenty-four shall be filled by talesmen, as now provided by law.

Withdrawal
of demand
for jury Sec. 7. Be it further enacted, That no party demanding a jury can withdraw the same without the consent of his opponent, but in cases where the demand for a jury trial has been waived by consent of both parties, which must be done either by an instrument of writing, filed in such cause, or entered of record, such cause shall be immediately transferred to the non-jury docket. The provisions of this act for the trial of non-jury cases during the second week of the term, may be changed by order of the judge of said Court, at his discretion, having regard to the amount of business on both of said dockets.

Trial of non-
jury case

When act
takes effect Sec. 8. Be it further enacted, That this act shall not take effect until the first day of March, 1899.

Repeal Sec. 9. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, so far as the same relates to Clay county, shall be, and the same are hereby repealed.

Approved December 13th, 1898.

No. 100)

AN ACT

(H. 363

To ratify the incorporation of the town of Falkville, Morgan county, Alabama, and to confer additional powers upon the same.

Section 1. Be it enacted by the General Assembly of Alabama, That the present incorporation for the

town of Falkville, Morgan county, Alabama, be and is hereby ratified and confirmed, and the present intendant and aldermen are hereby declared the legal officers of the said town, with all the powers and authority granted such officers by the general laws of the State. The present intendant and aldermen shall hold office till their successors shall be elected and qualified, but said officers shall call an election on the first Monday in September, 1899, and election shall be held annually thereafter on the first Monday in September, for the election of intendant and aldermen.

Incorporation confirmed

Sec. 2. Be it further enacted, That the intendant and aldermen shall, within thirty days from the passage of this act, cause to be levied by an assessor to be appointed by them, taxes for 1898. The assessment to be gotten from the books of the tax assessor of Morgan county for the year 1898, and the said intendant and aldermen shall have authority to collect said taxes, within thirty days from the date of assessment. It shall be the duty of the intendant and aldermen to hereafter levy and collect the taxes on or before the first day of December in each year.

Taxes

Sec. 3. Be it further enacted, That the intendant and aldermen shall have the authority to impose fines for the breach of any of its ordinances, to the amount, not to exceed one hundred dollars, and may punish by imprisonment or hard labor for a term not to exceed sixty days.

Fines

Sec. 4. Be it further enacted, That the intendant, marshal, tax assessor and tax collector shall not perform any of the duties of their respective offices, until they shall make bond, in amount to be fixed by the corporate authorities of said town, payable to the town of Falkville, Alabama, and filed in the office of probate judge of Morgan county, Alabama.

Bonds

Approved December 13th, 1898.

No. 101)

AN ACT

(S. 124

To remove the disabilities of the chancellor for the Southwestern Chancery division of Alabama, in cause No. 3740, pending in the Thirteenth district of said Chancery division.

Not disquali-
fied from sit-
ting in cause
3740

Section 1. Be it enacted by the General Assembly of Alabama, That the chancellor for the Southwestern Chancery division of Alabama, shall not be disqualified from sitting as such chancellor in cause No. 3740, upon the docket of the Chancery Court for the Thirteenth district of said division, and there styled, L. M. Wilson, et al., commissioner, against the president and directors of the Bank of Mobile, et al., because of any relationship, by consanguinity of affinity, that may exist between such chancellor and any party, or parties to said cause, or because he may have been a counsel in said cause, or because the validity of any judgment or judicial proceedings in which he was of counsel, or the validity or construction of any instrument or paper prepared or signed by him as counsel or attorney, may be called in question in said cause.

Approved December 13th, 1898.

No. 103)

AN ACT

(S. 106

To authorize the city council of Montgomery to issue bonds for the purpose of borrowing money to build and equip school houses, and to purchase and improve public parks, whether situated in said city or outside.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the city council of Montgomery be, and hereby is authorized to issue coupon bonds, to the amount of fifty-five thousand dollars, all of which are to bear interest, payable semi-annually or quarterly, at such place or places as may be designated therein, and shall be issued under the corporate seal of the City of Montgomery, and be signed by the mayor and clerk of said city; to bear interest at the rate not exceeding six per centum per annum, and running for such time, not exceeding fifty years from their date, as may be determined by said council. None of said bonds shall be of a lower denomination than one hundred dollars, and shall not be sold or disposed of by said council at less than their par value.

Sec. 2. Be it further enacted, That the bonds and coupons for interest thereon, issued under this act shall be negotiable paper, and may be made payable to bearer, but the holder of any such bonds may convert the same into registered bonds, by an entry on the back of the same, in the presence of, and witnessed by the treasurer of said city, that said bonds are registered. While said bonds remain so registered, the same shall not be negotiable or assignable, and the principal sum of all the bonds so registered, and the coupons for interest thereon, shall be paid by such treasurer only to the person in whose name the same are registered, or to the personal representative or successor in trust, of such person. It shall be the duty of the city treasurer to keep a record of such registered bonds. Any bonds so registered may again become negotiable by an indorsement thereon by the lawful holder thereof that said bond is negotiable, which said indorsement must be made in the presence of and witnessed by the city treasurer, who shall thereupon enter on the record of registration that such bond so indorsed is no longer registered; and such indorsement can only be made by the person in whose name the bond is registered, or the personal representative or successor in trust of such person. The city treasurer, together with the sureties on his bond, shall be liable for all damages which may result to any person by reason of allowing the indorsement of any registered bond by any person, other than the person in whose name the same is registered, or the personal representative or successor in trust of such person, but in all cases where the treasurer shall be in doubt as to the right or lawful authority of any personal representative or successor in trust to make such indorsement, the treasurer may require the person claiming the right to make such indorsement to procure, at his or her own expense, a decree of a court of competent jurisdiction, authorizing such person to make said indorsement, and such decree shall protect the treasurer from all liability for allowing such indorsement.

May convert
into regis-
tered

Duties of
treasurer

Sec. 3. Be it further enacted, That of such bonds, the sum of twenty-five thousand dollars shall be used and applied by the said city council exclusively

For schools

for erecting new school houses or repairing and remodeling those already erected, and for maintaining and equipping the public schools of said city. The said sum is to be used under the direction and control of the said city council, as it may deem best, for the purposes aforesaid.

For parks

Sec. 4. Be it further enacted, That thirty thousand dollars of the proceeds of the sale of said bonds shall be used and applied by the said city council for the purpose of purchasing and improving public parks, whether located in said city or within the police jurisdiction thereof. Said sum shall be used, for the purpose named, under the direction and control of the said city council, as it may deem best.

Application
for proceeds

Sec. 5. Be it further enacted, That if any portion of the bonds hereinabove directed to be applied to special purposes, or any portion of the proceeds of the sale thereof should not be needed or required for such special purposes, then the said council may apply such excess to any of the other special purposes provided for in this act. And the said council is hereby authorized to adopt such ordinances as may be necessary to carry into effect the provisions of this act.

When appli-
cation valid

Sec. 6. Be it further enacted, That no action taken by the said council in reference to the application of the funds arising from the sale of said bonds shall be valid, unless the same is taken by ordinance or ordinances approved by the mayor, as required by the charter of the City of Montgomery, or, if the mayor should veto such ordinance or ordinances, then, until the same shall have been passed by the council over such veto, by a vote of two-thirds of the members of said council.

Authority to
use

Sec. 7. Be it further enacted, That should the said council fail to sell said bonds, or any part thereof, after advertising the same in some newspaper of general circulation for not less than three weeks, then the said council is authorized to use said bonds, or such part thereof as may be necessary, to accomplish the purposes intended by their issue: Provided, that not more than \$25,000.00 shall be used for schools, and \$30,000.00 for parks, as limited in sections 3 and 5 of this act.

Approved December 14th, 1898.

No. 104)

AN ACT

(S. 188

To amend subdivision 32 of section 21 and section 24 of an act entitled an act "to establish a new charter for the City of Birmingham, Alabama," approved December 12th, 1890.

Section 1. Be it enacted by the General Assembly Sec. 21
fo Alabama, That subdivision 32 of section 21 of amended
an act entitled an act "to establish a new charter
for the City of Birmingham, Alabama," approved
December 12th, 1890, be and the same is hereby
amended so as to read as follows:

"32. The board of mayor and aldermen shall have Merchandise
the power to assess, levy and collect against general tax
dealers in merchandise, resident of said city, a tax
of one-half of one per cent. on the first day of Jan-
uary of each year, and to assess, levy and collect
against general dealers in merchandise who are
transient, a tax of one-half of one per cent. on the
largest amount of merchandise on hand at any one
time while engaged in business: Provided, that
the tax above provided shall be in lieu of the ad
valorem tax of one per centum hereinafter author-
ized to be imposed on such merchandise. And the
said mayor and aldermen shall have the power to
assess, levy and collect taxes on all property in said
city for each year, not exceeding one-half of one
per centum on the value of said property as assessed
for the State taxation the preceding year: Provided,
that the said mayor and aldermen shall have the
power in like manner to assess, levy and collect a
tax not exceeding one-half of one per centum in ad-
dition to the tax of one-half of one per centum here- Sinking fund
inabove authorized to be levied and collected, to be
applied exclusively to the payment of the interest
on the bonds of said city heretofore issued in pur-
suance of law, and for a sinking fund to pay off
said bonds at the maturity thereof. The assess-
ments herein mentioned are to be made by the clerk Assessment
of said city, or some other person thereunto au- by
thorized or appointed by the board of mayor and
aldermen, from the State and county assessment
books, as assessed for the State taxation the pre-

Escaped
taxes

ceding year; and it shall be the duty of said board to associate with the county tax assessor one or more good and discrete citizens of said city, who shall assist the said county tax assessor in assessing the property in said city; and to represent said city before the Court of County Commissioners in passing upon said assessments. If it shall appear that any property has escaped taxation by the State, the municipal officers upon its discovery shall report the same to the tax assessor or collector of the county, whose duty it shall be to assess the same, whereupon the board shall have full power and authority to levy and collect the full rate allowed by the constitution of the State upon such property for the proper years as allowed by the constitution. If any property in said city is assessed and taxed by the State the preceding year, it may be taxed by said city as aforesaid for the current year, whether in existence on the first day of October of the current year or not. If any property has escaped city taxation in the previous years, or shall escape hereafter for any year, the board shall have full power to provide for the assessment and collection thereof in a manner not inconsistent with the State constitution. The board shall be authorized to provide for the assessment and collection of city taxes to the amounts herein above authorized of the value of the property on railroad, telegraph and such like property, and to take the values from the State board of equalization for the preceding year.

Property
taxable

Sec. 24
amended

Sec. 2. Be it further enacted, That section 24 of an act entitled an act "To establish a new charter for the City of Birmingham, Alabama," approved December 12th, 1890, be and the same is hereby amended to as to read as follows:

Sinking fund

"Section 24. That the mayor and aldermen of said city are hereby authorized and required to establish a sinking fund to pay off the bonds heretofore issued by said city in pursuance of law, at the maturity thereof; and they shall appropriate to said fund all moneys arising from the special tax herein above authorized to be collected for the payment of the bonds of said city, which shall not be necessary for the payment of the interest on said bonds.

And the mayor and aldermen are hereby authorized and directed to invest said sinking fund in the purchase of the bonds of said City of Birmingham: Provided, that the same can be bought at a price satisfactory to the said board of mayor and aldermen, and if said bonds can not be so bought, said sinking fund shall be invested in the bonds of the United States of America, or in bonds of the State of Alabama, or in bonds of the County of Jefferson, in the State of Alabama, by said board of mayor and aldermen. And the application or use of any of the moneys collected for the payment of the interest or principal of said bonds as herein above provided, for any other purpose than that authorized and required by this act, shall be deemed a felony, and the person guilty thereof, whether he be the mayor of said city, or any aldermen so voting, or the treasurer, collector, custodian, agent or servant of the board, must on conviction be imprisoned in the penitentiary for not more than five years, and may be fined not more than one thousand dollars. The mayor and aldermen shall have power to collect all taxes of said city, and all fines and forfeitures imposed for any violation of any ordinances or charter provision, by execution, levy and sale, and from the operation of such execution no property of any citizen of said city, or other person against whom the same runs, shall be exempt, but this mode of collection shall not prevent the collection thereof in any other manner that may be authorized by this act or by law.

Wrongful use
a felony

Power to
collect

Approved December 13th, 1898.

No. 105)

AN ACT

(H. 91

To authorize and empower the Selma Cotton Mill Company to issue and sell its first mortgage bonds in an amount not exceeding its paid-up capital stock, and to secure the same by a first mortgage on its property, real and personal, and its franchises by the consent of the holders of the larger part in value of its capital stock, expressed by vote at a meeting of the stockholders called for that purpose.

May issue
bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the Selma Cotton Mill Company, a corporation, is hereby authorized and empowered to issue and sell its first mortgage bonds in an amount not to exceed its paid-up capital stock, and secure the payment of the same, principal and interest, by a first mortgage on its property, real and personal, and its franchises, by the consent of the holders of the larger part in value of its capital stock, expressed by vote at a meeting of the stockholders of said company, called for that purpose, of the time and place of which meeting, and of the purpose for which it is called, notice shall be given to each stockholder, whose residence is known, by mailing to him through the United States postoffice such notice, addressed to him at his last known place of residence, thirty days prior to such meeting, and by publication for four consecutive weeks in a newspaper published in Selma, Alabama.

Rate of
interest, etc

Sec. 2. Be it further enacted, That such bonds shall bear such rate of interest not exceeding eight per centum per annum, payable annually or semi-annually, and shall mature at such time or times, and shall be in such denominations, and payable in such currency, and shall be for such aggregate amount not exceeding its paid-up capital stock, as shall be determined and directed by said stockholders meeting, by vote of the holders of the larger part in value of the capital stock of said company.

Application
of proceeds

Sec. 3. Be it further enacted, That the proceeds of the sale of said bonds may be applied to the payment of the indebtedness of said company, and to provide a working capital for the company.

Approved December 13th, 1898.

No. 106)

AN ACT

(S. 127

To incorporate the Town of Tuskegee in the County of Macon.

Corporate
limits

Section 1. Be it enacted by the General Assembly of Alabama, That the Town of Tuskegee, in the County of Macon, be and the same is hereby incorporated, and the corporate limits of said town shall

embrace an area of land two and one-half miles square, the boundary lines of which shall be equidistant east, west, north and south from the center of the present court house of said county; and the present and future inhabitants of the said Town of Tuskegee, as by this act incorporated, shall be and they are by this act made and constituted a body corporate and politic under the name and style of "The Town of Tuskegee," under and by which name, all the corporate powers and privileges of said town, by this act granted, shall be executed, and the said corporation shall sue and be sued, and plead and be impleaded, answer and be answered in all manner of suits, either in law or equity; may keep a common seal, and may purchase, receive, hold, sell, encumber and let real and personal property to the amount of one hundred thousand dollars.

Name and
style

Powers

Sec. 2. Be it further enacted, That the government of said town shall be styled: "The Town Council of Tuskegee," and shall consist of a mayor, and six councilmen, inhabitants of said town, who shall serve for the term of two years, and until their successors shall be duly elected and qualified, to be elected by the legal voters of said town, who shall consist of all male persons of the age of twenty-one years and upwards, who have resided within the limits of said town for the space of six months next preceding the election at which they propose to vote.

Government

Sec. 3. Be it further enacted, That no person shall be eligible to the office of mayor or councilman, who shall not have been a resident of said town for the space of two years next preceding the date of election or appointment.

Ineligible

Sec. 4. Be it further enacted, That the qualifications of the mayor shall be determined by a majority of the councilmen, and of each councilman, by the majority of the mayor and other councilmen, and each of them, and all the other officers of said town shall in addition to the oath prescribed for public officers, before entering upon their respective offices, take and subscribe the following oath to-wit: "I, A. B. (as the case may be, mayor, councilman or other officer), do solemnly swear (or affirm)

Qualifications

Oath

that I will to the best of my skill and ability, discharge all the duties incumbent on me, so help me God"; which oath may be administered by the mayor or any councilman of said town, or by any other officer authorized by the laws of the State to administer oaths, and a certificate of such oath, made by the officer administering the same, shall be filed with the records of the town council.

Present officers Sec. 5. Be it further enacted, That the mayor and councilmen now in office in said town, under its former charter, shall continue to hold and discharge such offices until the next regular election as herein provided, and until their successors are elected and qualified; and all acts done, and all by-laws and ordinances enacted by the present town council of said town are hereby confirmed and continued in force.

Additional councilmen Sec. 6. Be it further enacted, That immediately after the passage of this act, the present town council of said town, shall proceed to elect the two additional councilmen herein provided for, who, together with the mayor and councilmen now in office, shall constitute the town council of said town, who shall hold their offices until the next regular election on the first Monday in March eighteen hundred and ninety-nine and until their successors are elected and qualified.

Election Sec. 7. Be it further enacted, That an election for a mayor and six councilmen of said town shall be held on the first Monday in March, eighteen hundred and ninety-nine, and every two years thereafter, at and between the hours prescribed by law for State elections, but should an election not take place at the time designated, the corporation, for that cause, shall not be dissolved, but the mayor and councilmen shall remain in office, until their successors are elected and qualified, and shall proceed to appoint some other day, as near as may be, not exceeding thirty days, on which such election shall be held.

Management of election Sec. 8. Be it further enacted, That all the elections for mayor and councilmen shall be held and supervised by two citizens of said town, to be appointed by the mayor and councilmen, and at such election the marshal shall preserve order, and act

as returning officer, and the mayor and councilmen shall, at a meeting to be held for that purpose, on the day succeeding the day of election, or as soon thereafter as practicable, judge of the legality of such elections, and declare who has been elected, and in all cases of a tie between two or more persons, shall determine which of said persons shall be mayor or councilman, as the case may be, only those members voting who are not interested in the result, and the persons so declared elected, shall immediately take the oath of office and enter upon the discharge of their duties.

Sec. 9. Be it further enacted, That should a vacancy occur at any time in the office of mayor or councilmen, during the term for which the mayor and councilmen may have been elected, by death, resignation, absence from the board for three months, or from any other cause, such vacancy shall be filled by appointment by the remaining members of the board. Vacancies

Sec. 10. Be it further enacted, That for the transaction of any business other than is hereinafter especially provided for, a majority of the board of mayor and councilmen shall be necessary, but a less number may make adjournment from time to time, and the board may by its by-laws compel the attendance of its members by a reasonable fine. Quorum

Sec. 11. Be it further enacted, That the board of mayor and councilmen of said town shall have power: First. To appoint a clerk, treasurer, marshal, policemen and such other officers as they may deem necessary, removable at the pleasure of the board, to prescribe the duties, and to require of them bonds with security, in such amount as they may deem necessary for the faithful discharge of their duties, and to impose fines upon them for neglect or violation of duty, not to exceed in any case the sum of fifty dollars in amount for a single offense. Second. To determine and fix the salary of the mayor and other officers. Third. To enact such laws, by-laws and ordinances as may be necessary and proper to carry out and enforce the powers in this charter granted, and for their own government, not contrary to the laws of the State, or to the restrictions imposed by this act. Fourth. To Powers
Officers
Salaries
By-laws

Taxes	impose and collect taxes on all real and personal property within said town, within the limitations of the constitution of the State. Fifth. To prevent nuisances and to remove the same, at the cost of the persons on whose premises they may be found, or who may have caused them. Sixth. To tax, license, restrain and regulate all kinds of public amusements, shows, exhibitions and entertainments for pay. Seventh. To prohibit and restrain all disorderly conduct, all gaming houses, houses of ill fame, racing, prize-fighting, games of chance, cock-fighting, breaches of peace, vagrancy, drunkenness, prostitution, and unlawful assemblies, and to disperse the same. Eighth. To establish and regulate markets, to build market houses and manage the same, to prohibit the selling of fresh meats, fish, vegetables and other articles usually kept in town markets, except at the town market house, during market hours, establish, keep in repair and control public wells, reservoirs and water works, and make all needful provisions for supplying said town with wholesome water, to keep in repair, all sidewalks and streets; to open the same when they may be closed, and at all times keep the streets and sidewalks free from obstructions, to widen and improve streets and sidewalks now existing, and to establish and open new ones, and to make and build bridges and drains and regulate the same. Ninth. To license, under such restrictions as they may deem proper, all conveyances running for hire in said town. Tenth. To tax, license and regulate in accordance with the provisions of an act of the General Assembly of Alabama, to regulate the sale of spirituous, vinous and malt liquors in the Town of Tuskegee, approved December the 9th, 1896; the sale of all such liquors, also billiard saloons, and bowling alleys. Eleventh. To license and tax hotels, and restaurants, stores or shops for the sale of any kind of goods, merchandise, wares, produce or manufactures, and to tax and regulate itinerant and transient merchants and dealers. Twelfth. To tax and license peddlers, hawkers and medicine venders, insurance and real estate agents, cotton brokers and other agents, banks and bank-
Nuisances	
Shows	
Disorderly conduct, etc	
Markets	
Wells	
Streets	
License	

ers, auctioneers, commission merchants and undertakers, to license and tax livery and sale stables, marble and wood and lumber yards, cabinet shops, blacksmiths and shoe shops and barber shops. Thirteenth. To tax and regulate auction sales except sales by the State and county officers, administrators and guardians, and to compel auctioneers to make returns under oath of the gross amount of their sales. Fourteenth. To enforce all measures deemed necessary and proper to prevent the introduction of infectious and contagious diseases within said town and to preserve the health of the inhabitants of the same. Fifteenth. To prevent and punish all violations of the Sabbath, to prevent and punish any disturbance of or interference with the worship of Almighty God; to prevent and punish any disturbance or interference with any lawful assemblage of the citizens of said town; to prevent and punish any indecent exposure of the person, profane or obscene language or exhibitions and anything else prencious to the morals and good order of society. Sixteenth. To prevent stock of any kind from running at large within the limits of said town. Seventeenth. To prevent and punish malicious and wilful mischief to houses, fences, ornamental and shade trees, sign, sign posts, tombs, monuments or any other kinds or description of property whatever. To have control of the public cemetery. Eighteenth. To fix the tax on all licenses issued under authority of this act, and to enforce the collection of the same, by penalty, within the restrictions hereinafter imposed or by execution against the property of the person failing or refusing to pay said tax as the board may deem best. Nineteenth. To punish by a fine not exceeding fifty dollars and by imprisonment not exceeding thirty days, all violations of the laws, by-laws and ordinances passed by authority of this act, and all fines and costs imposed in such cases may be collected by execution issued by the mayor or any councilman, on the non-payment punished by fine or imprisonment, or hard labor as aforesaid at the rate of forty cents a day, and in each case of conviction under this section the marshal or other officer making the arrest shall be entitled to two

Tax

Sanitary

Things prevented

Licenses

Fines

dollars, and the mayor or other officer presiding at the trial, to one dollar, which amounts shall be collected as costs as hereinbefore provided and there shall be no other costs imposed: Provided, where any person has been convicted and punished in a State Court for any act he shall not again be punished by the authorities of said town for the same act. Twentieth. To punish by fine not exceeding five dollars or imprisonment not exceeding twenty-four hours, or both, for each offense, all contempts of the board of mayor and councilmen or any one of them while engaged in the discharge of duties imposed by this act.

Duties of
Mayor

Sec. 12. Be it further enacted, That it shall be the duty of the mayor to preside at all meetings of the board of mayor and councilmen, and to preserve order and decorum at the same, and he may call special meetings of the board whenever in his opinion it may be necessary, and in his absence any two councilmen may call a meeting, and any councilman may, in the absence of the mayor, be called to preside at any meeting. He shall keep an office in said town open at prescribed hours every day, to attend to, hear and determine all cases of the breach or violations of the laws and ordinances, and in his absence, or when he is disqualified, or at his request, one of the councilmen shall attend in his stead to perform said duties, and no councilman shall have power or authority to hear and determine cases except in the absence of the mayor, or when he is disqualified, or at the request of the mayor.

Marshal and
police

Sec. 13. Be it further enacted, That the marshal and policeman of the town shall have authority and it shall be their duty, to execute the laws, by-laws, and ordinances of the town council, to arrest without warrant all offenders against the peace and good order of the town and all violations of its laws and ordinances, and carry them before the mayor or a councilman sitting in his stead, or confine them in the guard house until they can be brought before the proper authority, and if necessary they may call to their assistance any of the citizens of said town to enable them to make the arrest, and any person refusing or neglecting to assist them when so called upon shall be fined not ex-

ceeding ten dollars or imprisoned not exceeding ten hours, and in the absence of the marshal, the deputy marshal and policeman, or either, shall perform the duties and be entitled to the privileges conferred by this section.

Sec. 14. Be it further enacted, That an assessment of all the property in said town subject to taxation shall be made annually, naming the owners of the property if known, or otherwise assessing it to owners unknown, and upon failure or refusal of any person to give in his or her property for the period of thirty days from the opening of books of assessment, ten days previous notice having been given by the officer appointed by the board of mayor and councilmen to make said assessments, by posting in three public places in said town of the place where and the time when said books of assessment will be opened, the assessor must proceed to assess such property from the first knowledge he can obtain. The assessment when completed must be returned to the board, who shall cause ten days notice to be given, by posting in three public places, of the time and place when the board or a committee of its members, appointed by the mayor, shall hear complaints and correct errors and mistakes when any citizen who shall consider himself assessed in too great an amount may make complaint thereof, demand an investigation and cause witnesses to be examined in his or her behalf; complaints having been heard and all mistakes corrected the assessment shall be marked approved by the mayor or the committee, and delivered to the person appointed to collect the taxes. The assessment so approved shall have the force and effect of a judgment and execution at law, and the collector on failure of any person to pay the sum assessed to him or her may proceed after the expiration of sixty days from the date of the approval of the assessment, to levy upon and sell the property or a sufficient amount thereof of such delinquent to pay said taxes and all reasonable costs which may have accrued, and if the property is assessed to a person unknown, may proceed to levy upon and sell the same. All sales of personal property under this section must be advertised ten days by posting in a public place in

Tax assess-
ment

Levy and
sale

said town, and all sale of real estate must be advertised by posting in a public place for thirty days. The advertisement herein provided for must contain a description of the property to be sold and the name of the owner, if known, and the amount of the taxes for which it is sold, including the cost of sale and advertising. All sales of property under this act must be held in the town of Tuskegee before the courthouse of Macon county, between the hours of 12 m. and 4 p. m., and continue from day to day until the sale is completed. The person appointed to collect the taxes and make the sales herein provided for shall give to the purchaser of real estate a certificate similar in form to those given by the State and county tax collector, and which shall have the same effect, and the said collector may, in case no person shall bid for such real estate an amount sufficient to pay said taxes and costs, bid off said property in the name of the town of Tuskegee, and make a certificate of purchase to the town of Tuskegee, and deliver the same to the mayor on his final settlement, which said certificate shall be governed by the same laws as if it had been given to a private individual. All real estate sold under this act may be redeemed at any time within two years from day of sale, by the payment to the purchaser thereof, the amount of such purchase money, together with interest on same at the rate of ten per cent. from date of sale and all taxes and costs which may have accrued thereon; or, if the purchaser does not reside in said town, then into the town treasury for the benefit of the purchaser. Infants, married women and lunatics shall be allowed two years from removal of their disabilities to comply with the requirements herein specified.

Redemption

Sec. 15. Be it further enacted, That every male resident of said town between the ages of eighteen and forty-five years shall be liable, and may be required to work on the streets and alleys of said town not exceeding ten days in any one year, and on failure or refusal to perform such work when required, may be punished in such manner within the restrictions of this act as the town council may determine: Provided, that at least two days notice shall be given of the time when such work shall be

Work on
streets

required to be performed. And, provided further, That all such persons be exempt from such work on payment of such street tax as the town council may impose, not exceeding five dollars in any one year. Street tax

Sec. 16. Be it further enacted, That all persons residing within the limits of said town shall be exempt from work on the public road outside of said town limits. Exempt from road duty

Sec. 17. Be it further enacted, That the board of mayor and councilmen shall cause to be kept a full and fair record of all acts, ordinances and proceedings of said board, a docket of all cases tried before the mayor or any councilman acting in his stead, with the judgment rendered therein, a regular and complete account of all receipts and expenditures of money collected and disbursed by authority of this act, and shall from time to time, and at least once in each year, cause a full statement of all such receipts and expenditures, and of the condition of the finances of said town, to be posted at the courthouse door in said town, and every citizen of said town shall at all times have free access to and the right to inspect any and all the records of said board. Record

Sec. 18. Be it further enacted, That this charter shall go into effect from and after its approval. When in effect

Sec. 19. Be it further enacted, That all laws heretofore passed for the incorporation of the town of Tuskegee, or relating to the government of the same, except the act regulating the sale of liquors in said town, heretofore alluded to, and except such acts as may be passed at the present session of the General Assembly of Alabama, in conflict with this act be, and are hereby repealed. Repeal

Approved December 14th, 1898.

No. 107)

AN ACT

(S. 76

To establish a charter for the Town of Lineville,
Clay county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the town of Lineville, in Clay county, Alabama, shall be and Name

	<p>continue a body politic and corporate by the name The Town of Lineville, and by this name may sue and be sued, receive and grant, and do all other acts as natural persons in respect to the powers herein granted; may purchase and hold real and personal and mixed property, and use and dispose of the same for the benefit of said town as the mayor and town council deem necessary and proper.</p>
Powers	
Corporate limits	<p>Sec. 2. Be it further enacted, That the corporate limits of said town of Lineville shall embrace and include all territory lying within one-half ($\frac{1}{2}$) of one mile in every direction from the well, now located in the center of said town, and shall have police jurisdiction one mile beyond its corporate limits.</p>
Government	<p>Sec. 3. Be it further enacted, That the government of said town of Lineville and its corporate powers shall be exercised by a mayor and four councilmen, who shall be elected annually, on the first Monday in April, by ballot, by the male inhabitants of said town entitled to register and vote under the laws of this State, and who have resided therein for thirty days next preceding such election, said election to be held on the first Monday in April, 1899, shall be held by three citizens of said town, to be appointed by the judge of probate of Clay county, and all subsequent elections to be held by three citizens appointed by the mayor and councilmen of said town of Lineville. Notice of the election to be held on the first Monday in April shall be given by said probate judge, and all subsequent elections by the mayor of the said town, by posting three or more notices in public places within the corporate limits of said town. The polls on election day, above described, shall be opened at nine o'clock, a. m., and close at four o'clock, p. m., and the election conducted in the same manner as the election for State officers. The managers, at a meeting to be held on the first Monday in April, shall certify the result of said election to the judge of probate of Clay county, whose duty it shall be to notify the persons chosen of their election, and at all subsequent elections the managers shall certify the result to the mayor and councilmen of said town. In case any two persons offering for the same office shall receive an equal number of votes, then one of</p>
Election	

the managers, who shall be designated as chairman at the time of their appointment, shall give the casting vote, and shall give the persons elected a certificate of election. The persons so elected, before entering upon the discharge of their duties, shall take and subscribe the following oath: I. A. B., mayor or (councilman, clerk, marshal, policeman, treasurer, as the case may be) do solemnly swear that I will to the best of my ability and skill discharge all the duties incumbent on me without favor or affection, so help me God; which oath shall be administered by the justice of the peace or notary public, and a certificate of it filed with the records of the town. The mayor and councilmen shall continue in office for twelve months from the date of the election and until their successors are qualified, unless removed as hereinafter provided.

Oath

Terms

Sec. 4. Be it further enacted, That the ballots cast at the election held under this act on the first Monday in April, 1899, shall, after being counted, be carefully sealed up by the probate judge of Clay county and deposited with the clerk in charge of the papers of said town, when such clerk shall have been chosen; and the ballots cast at any subsequent election shall be carefully sealed up by the mayor and councilmen, and by them be deposited with the clerk of said town, who shall carefully preserve them for twenty days after the result of said election is declared, and then if there is no contest, the said clerk shall cause the same to be burned in the presence of himself and mayor; but in the event of contest, shall be delivered to the Court or judge trying the same.

Ballots

Sec. 5. Be it further enacted, That any election held under the provisions of this act may be contested in the same manner as is or may be provided by the laws of the State for contesting the election of probate judge; and all of the provisions of such laws in relation to contesting the election of probate judge shall, as far as the same are, or may be applicable, apply to the contests of any elections held under this act.

Contests

Sec. 6. Be it further enacted, That no person shall hold the office of mayor or councilman of said town of Lineville who has not resided therein one year next preceding his election.

Ineligible

Vacancies

Sec. 7. Be it further enacted, That if the mayor or any councilman during his term of office, and after qualifying, shall die, resign, remove from the corporation, refuse to act, or be permanently disabled from acting, the remaining councilmen shall, by ballot, elect in his stead another mayor, councilman who shall have the qualifications prescribed by the sixth section of this act, and shall continue in office during the remainder of the term, and until his successor is elected and qualified, and if any person elected mayor or councilman, shall by ballot, elect in his stead, if mayor, one of their own body; if councilman, some person having the qualifications prescribed by the sixth section of this act, who shall continue in office during the remainder of the term and until their successors are elected and qualified.

Quorum

Sec. 8. Be it further enacted, That a majority of the mayor and councilmen shall constitute a quorum for the transaction of business. The mayor and councilmen shall fix their own sessions and special meetings may be called by the mayor at any time, or by two of the councilmen, in case of sickness or temporary absence of the mayor, the councilmen may appoint one of their number to act as mayor during such sickness or absence, and such mayor pro tempore shall exercise all the powers and perform all the duties of the mayor, but the mayor shall not vacate his office by any temporary absence from town or State.

Duties of
Mayor

Sec. 9. Be it further enacted, That it shall be the duty of the mayor to attend and preside and keep order at the meetings of the council, and hear and determine all cases of violations of all by-laws and ordinances or charter of said town, and he is hereby invested with the power and authority to take jurisdiction of every violation of the laws and ordinances of said town, and to try and convict and punish the same according to the laws and ordinances of the town, and he shall have authority while holding his Court to punish any contempt of his Court by fine or imprisonment or both, but the imprisonment shall not exceed twenty-four hours or the fine exceed twenty-five dollars, and the mayor may compel the attendance of witnesses on his Court by

fining them, not to exceed twenty-five dollars, to be enforced as other fines are enforced, if they fail to appear and testify before him after having been duly served with a subpoena. The mayor shall at least every four months make a written statement to the council of the town's financial condition, which shall be published in some newspaper published in the town or by posting in three or more public places in the town. The mayor shall do and perform such other duties as the council may prescribe, and before entering upon his office shall give bond, to be approved by a majority of the councilmen, in the sum of six hundred dollars, payable to the town of Lineville, and conditioned for the faithful performance of his duties as mayor. Appeal from any decision of the mayor of said town may be taken or had in the same manner as is or may be provided for taking appeals from a justice of the peace Court. The mayor of said town of Lineville is hereby invested with all the powers of a justice of the peace under the laws of the State of Alabama, and authorized to receive the same fees, but he shall give bond and qualify as a justice of the peace before exercising any of the duties thereof. The mayor shall receive such salary as the council may prescribe.

Duties of
mayor

Sec. 10. Be it further enacted, That the mayor and councilmen shall have power to elect a clerk, treasurer, assessor and collector of taxes, marshal, policeman and such other officers and agents as may be necessary to execute the powers conferred on the corporation or as may be deemed proper for the good government and welfare of the town; to prescribe their duties, liabilities and powers, to require of them bond with such security, and in such amount as may be deemed expedient for the faithful discharge of their duties, to remove or discharge at any time any and all such officers and agents, a majority of the councilmen concurring in such removal, and to fix and regulate from time to time the compensation of such officers or agents of the corporation. Such officers and agents shall continue in office, unless removed, until the next annual election for mayor and councilmen, and until their successors are qualified; all such officers as are or

Town officers

shall be required to give bond shall do so before entering upon the performance of their respective duties.

Duties of
town clerk

Sec. 11. Be it further enacted, That the town clerk shall keep a regular and complete record of the proceedings, orders, regulations and ordinances of the town, which shall be read to the councilmen and signed by the mayor, and the same shall have the force and effect of a record, and a copy therefrom, certified to by the clerk, shall be prima facie evidence in any Court of record or elsewhere, and said record shall at all times be open to inspection. The said clerk is hereby authorized to issue all executions, subpoenas and other process as may be necessary to enforce the collection of taxes, fines, forfeitures and other dues which may be owing to said town on any account.

Powers

Sec. 12. Be it further enacted, That the mayor and councilmen of the town of Lineville shall have full and complete powers: 1. To make and adopt by-laws and ordinances in whatever manner and upon whatever subject, to carry out the powers herein granted, and for the good government and order of said town, as they think proper, and in addition to the powers herein specifically enumerated, which are no limitations upon the powers included in this general grant of power, to ordain and pass such ordinances and by-laws, not inconsistent with the laws of the State of Alabama, or shall be needful for the government, public interest, welfare and good order of said town, and to affix thereto such penalties for the violation of the same by fine, not exceeding one hundred dollars, and by imprisonment or hard labor for the town, not exceeding thirty days; and all persons convicted of any breach of the by-laws or ordinances of said town, failing to pay or secure such fine, may be imprisoned on such failure, or placed at hard labor in such manner as the council shall direct, not longer than thirty days: Provided, that any person shall have the right to give a stay bond with two good and sufficient sureties, to be approved by the mayor, to pay such fine and costs within thirty days from judgment imposing the same, but if after such bond and security, such fine and costs are not paid within thirty days,

execution to collect the same may be issued against the obligors on said bond. The council may pass Powers all needful laws to compel persons to work the streets or elsewhere in the town when under the mayor's sentence for violating any town ordinance. 2. To pass all laws and ordinances to prevent the introduction of contagious or infectious diseases into said town and that could be passed under full and complete quarantine powers, and preserve the health thereof. 3. To prevent and remove all nuisances at the expense of the person causing the same, or on whose premises the same may be found, to remove all decayed and dilapidated houses and structures calculated to produce disease or contagion or dangerous or unfit for habitation, at the expense of the owners of the same when they fail or refuse upon reasonable notice, to remove or repair and renovate such houses and structures. 4. To tax, license, regulate and restrain theatres and other amusements, and said mayor and councilmen shall also have power to pass all proper ordinances for the punishment of public drunkenness within the police jurisdiction of said town. 5. To restrain and prohibit gambling, gambling houses, houses of ill fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, prize-fighting and anything else hurtful to the good order and morals of society, and all violations of State laws. 6. To appoint and regulate night and day watchmen. 7. To open, repair, locate, establish and regulate streets and alleys, and to change, alter or abolish and vacate them or any part thereof; to establish pavement and sidewalks, and curb and grade them, and regulate the same, and make all salutary laws with respect to the use of the streets and sidewalks, and to this end is authorized to require such male inhabitants of said town between the ages of eighteen and forty-five years, not physically disabled, to perform labor upon the streets for a period of not more than ten days in each year, and may collect in lieu of such labor a street tax of not more than five dollars, and shall have full power and authority to require of property adjacent to the sidewalks in said town to keep the sidewalks

Powers

in good repair, and shall have full power and authority to enact ordinances in reference thereof; providing for the building and repairs thereof, by the town to be taxed against and collected out of such adjacent property, on the failure of the owner to repair on notice from the town to do so. 8. To lay out, regulate and control cemetery burial grounds, and to sell burial lots in the same. 9. To pass all necessary and proper laws for the arrest with or without a warrant, of all offenders against the town ordinances or State laws, and to confine such persons until tried, convicted or discharged by law. 10. To pass laws and ordinances in relation to auctioneers, plying their vocation on the streets, and to prohibit or regulate the same. 11. To make and ordain all necessary laws concerning idlers, paupers, prostitutes, gamblers, disorderly or vicious persons, in correcting or restraining their vicious habits, and to compel such persons to give bond and security to be approved by the mayor, for their good behaviour for reasonable time, or upon their failure or refusal to give such bond and security, for their condemnation to hard labor for the town for a limited time, not exceeding thirty days. 12. To punish all persons who obstruct the police or other officers, or agents of said town, and to punish any and all persons who, when called upon to aid in the arresting of any persons, shall fail to give such aid. 13. To regulate and control the keeping and storing of gunpowder or other dangerous material, guano or other commercial fertilizer within said town. 14. To exercise the power of eminent domain and condemn private property for streets, alleys, drains, public parks or squares. 15. To have and exercise full police powers in said town, to prevent crime, and arrest offender, to protect the rights of persons and property, to preserve the public peace, and for this purpose may command the aid of the sheriff of Clay county. 16. To impose and collect from all persons and corporations carrying on any business, occupation or trade, by agent or otherwise, within the limits of said town, a license tax on such business, occupation or trade, which shall be fixed by ordinance from time to time, and the amount, regulated as the council may deem fit,

and collect as other taxes, and may also by ordinance impose such fines and penalties as they may deem advisable for the doing of any business, or the carrying on of any occupation or trade by any party who shall fail to take out such license as may be required by ordinance. 17. To regulate and control the planting of shade trees on the streets, alleys and public places of said town. 18. To prevent and punish all violations of the Sabbath, any disturbance of, interference with, public or private worship. 19. To employ a counsel for advice and for the prosecution of offenders, and for the defense of all suits against the town. 20. To regulate the speed of horses and other animals, vehicles, etc., within the corporate limits.

Sec. 13. Be it further enacted, That the mayor and councilmen shall have authority to levy taxes Taxes on the real, personal and mixed property within said town of Lineville, except such as is or may be exempted from taxation under the laws of the State, on auction sales of merchandise, on capital, or itinerant, or transient merchants, and on any business, occupation or trade carried on in said town.

Sec. 14. Be it further enacted, That the said tax on real and personal estate shall not in any one Rate of Tax year exceed one-half of one per cent. on the value of such property as assessed for state taxation during the preceding year, and shall be levied according to assessment made under such rules and regulations as the mayor and councilmen may adopt, and it shall be their duty to review, equalize and correct such assessment.

Sec. 15. Be it further enacted, That all taxes assessed or levied in pursuance of authority conferred by this act shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed, and on all other property of the party against whom assessed within the corporate limits of said town, and the person appointed to collect such taxes must, on failure to pay, collect the same by levy and sale of the property of the person to whom assessed, or if assessed to owner unknown, by sale of the property for non-payment of taxes must, after thirty days' notice by advertisement in a newspaper or notices posted in Levy and sale

three or more public places in said town. The person appointed to collect such taxes shall make such sales under such rules and regulations as the council may prescribe, and shall give to the purchaser of any real estate so sold, a certificate of purchase in such form as the council may prescribe, which certificate shall be prima facie evidence of the regularity of all previous proceedings, and of all the facts stated therein, and also that the requirements of the law in reference to the levy and assessment of taxes and sale of the property have been complied with. The same rights of redemption are given as are provided by the laws of the State.

Duties of
marshal

Sec. 16. Be it further enacted, That the marshal of said town shall have the authority and it shall be his duty to execute the lawful ordinances of such corporate authorities, and must without warrant arrest any and all persons guilty of the violations of any of the laws of the said town or any State law within the corporation, and to carry such person or persons before the mayor, to suppress all riots and unlawful assemblies and execute all process issued by the mayor.

Powers

Sec. 17. Be it further enacted, That the mayor and councilmen of said town of Lineville are hereby empowered to do all things that are necessary to carry out the powers herein granted, and no technical informality, neglect or omission in the proceedings or record of said town shall in anywise effect the validity of their proceedings.

Ten days
notice

Sec. 18. Be it further enacted, That no ordinance or law of said town created by the mayor and aldermen thereof shall go into effect and be operative until due notice thereof shall have been given for ten days by posting a copy of the said ordinance at the courthouse door in said town.

Elections

Sec. 19. Be it further enacted, That from any cause should said town fail to hold an election on the day specified by this act, that they are hereby authorized to hold an election at any time thereafter, provided, that a notice of election shall be published in a newspaper or by posting in three or more public places in said town ten days prior to the day set for such election; and the officers elected at such election shall hold office until the

next first Monday in April, the day specified in this act for holding annual elections, or until their successors are elected and qualified.

Sec. 20. Be it further enacted, That the provisions of this act shall go into effect immediately after its passage. When takes effect

Sec. 21. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed. Repeal

Approved December 14th, 1898.

No. 108)

AN ACT

(S. 194

To provide for the publication of the financial proceedings of the Board of Revenue of Barbour county.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the board of revenue of Barbour county to publish in some newspaper in said county immediately after each meeting at which bills are allowed and warrants issued the name of each person to whom the warrant is issued, on what account it is issued, and the amount thereof. Publication after each meeting

Approved December 14th, 1898.

No. 109)

AN ACT

(S. 92

To prevent the mayor and aldermen of the City of Huntsville or any other person from interfering with the fence around the county courthouse except by the unanimous consent of the Court of County Commissioners.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for the mayor and aldermen of the City of Huntsville or any other person or persons to remove the fence Court house fence

around the county courthouse or to interfere in any manner with the hitching of animals and teams thereto or other use thereof by the citizens of the county, except by the unanimous consent of the Court of County Commissioners of Madison county, Alabama.

Penalty

Sec. 2. Be it further enacted, That any person or persons violating any of the provisions of this act shall be punished by a fine not exceeding five hundred dollars and sentenced to hard labor for the county for a term not exceeding six months.

Approved December 14th, 1898.

No. 110)

AN ACT

(H. 159)

For the relief of the Helen Keller Library and Literary Association.

Whereas, The Helen Keller Library and Literary Association, a corporation organized under the general laws of the State of Alabama for social and literary purposes, heretofore purchased a building in the City of Tusculumbia, Alabama, for library purposes, and in order to raise money to assist in paying for said property, used the second story of said building for a public hall, and was required to pay, and did pay, to the State of Alabama, thirty-seven dollars and fifty cents as a license for said hall from July 1st, 1897, to the 31st day of December, 1898; said hall was exempt from State license by section 1311 of the Code of Alabama, and was collected by mistake; therefore,

Appropriation

Section 1. Be it enacted by the General Assembly of Alabama, That the auditor is hereby required to draw his warrant on the State treasurer in favor of the Helen Keller Library and Literary Association for the sum of thirty-seven dollars and fifty cents, the amount of said license wrongfully collected, and the treasurer is hereby required to pay such warrant out of any moneys in the treasury not otherwise appropriated.

Approved December 14th, 1898.

No. 111)

AN ACT

(H. 234)

To provide for the relief of Richard Chitwood by compensating him out of the treasury of DeKalb county for the registration of electors in said county during the time the said Richard Chitwood has been county registrar of said county, and to provide for the compensation of county registrars of electors in said DeKalb county in the future.

Section 1. Be it enacted by the General Assembly of Alabama, That Richard Chitwood, the county registrar for electors of DeKalb county, is entitled to and he shall receive out of the the county treasury of DeKalb county a sum equal to two cents for each elector who has registered as such elector in the said County of DeKalb during the time of the present incumbency in which the said Richard Chitwood has been such registrar of said county, to-wit: during the years 1894-5-6-7 and 1898. Rate of pay
of registrar

Sec. 2. Be it further enacted, That said Chitwood may make out his verified account for the sum so due him under this act and present the same to the Court of County Commissioners of the said county, who shall audit the same, and if correct shall allow the same and order a warrant drawn in favor of the said Chitwood for the same upon the treasurer of said county, and the said treasurer shall pay the same as other warrants drawn upon him as such treasurer. Verified
account

Sec. 3. Be it further enacted, That county registrars of electors in DeKalb county shall, in the future, have as their compensation as such registrars the sum of two cents for each elector who shall register, which shall be a lawful charge against the county, and shall be allowed by the Commissioners Court of said county, warrants drawn therefor and payment made by the county as in case of other claims against the general fund of said county. Compensa-
tion of
registrars

Approved December 14th, 1898.

No. 112)

AN ACT

(H. 310)

To authorize the mayor and councilmen of Troy to issue bonds of said city not exceeding fifty-five thousand dollars, for the purpose of refunding the bonds issued by said mayor and councilmen of Troy under an act of the General Assembly of Alabama, approved February 18th, 1891, entitled "An Act to authorize the mayor and councilmen of Troy in Pike county, to erect and maintain or otherwise provide a system of water works for said City of Troy, and issue bonds in payment thereof in an amount not exceeding fifty thousand dollars."

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and councilmen of Troy, in Pike county, are hereby authorized to issue and negotiate bonds of said city, to be known as the "City of Troy Water Refunding Bonds," to an amount not exceeding fifty-five thousand dollars or so much thereof as may be necessary, in bonds of one thousand dollars each, payable at such time and place as they may designate, but not extending longer than thirty years from the date of issuance, for the purpose of refunding the bonds issued by them on the 14th day of April, 1894, by virtue of an act of the General Assembly of Alabama, approved February 18th, 1891. Said bonds shall have coupons attached bearing interest at the rate of 4 per cent. per annum, payable semi-annually.

Negotiation
of

Sec. 2. Be it further enacted, That the mayor and councilmen of Troy are hereby authorized to negotiate such bonds as are issued by them by virtue of this act to the holders of the bonds of said City of Troy, issued by virtue of said act, approved February 18th, 1891, and known as the "City of Troy Water Bonds." Said bonds shall not be negotiated for less than par, less cost of issuing and negotiating the same. Such bonds may be negotiated to holders of said City of Troy water bonds, who will surrender to the treasurer of said city such an amount of said City of Troy water bonds and interest cou-

pons as may be past due, as are equal at their face value, to the amount of bonds issued under this act that are negotiated to such holders of such bonds and coupons.

Sec. 3. Be it further enacted, That the mayor and councilmen of Troy are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act; but such bonds shall not be sold for less than par, less the cost of issuing and negotiating the same, and the proceeds of said bonds shall be paid over to the city treasurer of said city, to be applied solely to the purpose of satisfying and discharging the bonds of the City of Troy, known as the City of Troy water bonds, and the interest coupons thereon that may be then past due. Said payment and application to be under the direction and authority of said board of mayor and councilmen; the said treasurer to be responsible for the safe keeping of all proceeds arising from the sale of said bonds which may come into his hands, the same as other city funds.

Application
of proceeds

Sec. 4. Be it further enacted, That it shall be unlawful for said board of mayor and councilmen, or any member thereof, or any officer of said city to apply the proceeds of the sale of any of the bonds issued by the authority of this act to any other purpose than that herein named.

Wrong use of
unlawful

Sec. 5. Be it further enacted, That for the purpose of securing the payment of said bonds and interest coupons, the said mayor and councilmen are hereby authorized to execute to trustees, or in such manner and form as they may deem best for the city, a mortgage upon the real estate, franchises, and entire system of water works now in operation in said City of Troy, together with all property, whether real or personal, connected therewith; and said mortgage may be signed and executed in such manner as the board of mayor and councilmen may direct.

Mortgage

Sec. 6. Be it further enacted, That said mayor and councilmen of Troy are hereby authorized to do any and all things authorized by this act which may be necessary to carry out the powers hereby granted, either through themselves or by their agents duly authorized by them for that purpose

Authority of
mayor and
councilmen

at any meeting of said board, whether at a regular or special meeting thereof; and no technical informality, irregularity, neglect or omission in the proceedings or records of said bonds or coupons shall in anywise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Application
of receipts

Sec. 7. Be it further enacted, That all rentals and tolls received from said water works shall be applied to the payment of the interest or principal of the bonds issued under this act, or the necessary current expenses of operating, repairing, improving or extending said water works. It shall be unlawful for the board of mayor and councilmen or any member thereof, or any officer of the City of Troy, to use or apply the rentals or tolls from said water works to any other purpose than that therein above named.

Bond book of
record

Sec. 8. Be it further enacted, That there shall be kept by said City of Troy a bond book of record, open at any time to the inspection of any taxpayer of Troy, in which shall be briefly stated each bond issued under this act, and the disposition thereof, with its date and amount, to whom issued and when issued, and whether in exchange for other bonds or coupons or for money; and if for exchange for other bonds or coupons, then the number and date and amount of such bonds or coupons, and if for money, the amount thereof.

Approved December 14th, 1898.

No. 113)

AN ACT

(H. 215

To incorporate the town of McFall in Talladega and Calhoun counties, Alabama, and to prescribe certain powers and to create a separate school district within certain limits.

Name

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of McFall, in the counties of Talladega and Calhoun, and State of Alabama, be and they are hereby created a body politic and corporate under the name of the mayor

and council of McFall and by that name may purchase, receive, let or hold, sell, grant, alien or assure property, real or personal, and sue and be sued, plead and be impleaded, and do and perform any other act incident to bodies corporate, and may have a common seal, which may be changed at pleasure, and shall have authority to do all acts and pass such ordinances as may be necessary to enforce the powers granted by this act, but shall not hold property more than ten thousand dollars in value. Powers

Sec. 2. Be it further enacted, That the corporate limits of McFall shall embrace an area including all the territory within two and one-half miles of the school house at McFall in said town, extending in all directions two and one-half miles from said school house . Corporate limits

Sec. 3. Be it further enacted, 1st, That there shall be elected by the qualified voters of said town the following officers, namely: A mayor and six aldermen. in the manner herein provided. All the qualified electors of the State who have resided within the corporate limits of said town thirty days preceding the election are hereby qualified electors of the said town of McFall. 2nd. An election shall be held on the first Monday of February in each year after the year eighteen hundred and ninety-nine, said election to be held under the general election laws of the State of Alabama. The term of office of the mayor and aldermen shall be three years from the date of their qualification, or until their successors are elected and qualified. Two aldermen shall be elected each year, to serve three years, or until their successors are elected and qualified, and until an election can be held as herein provided. Elections
Thomas L. Harvey shall serve as mayor of said town for a term of one year, or until his successor is elected and qualified. James A. Harris and L. W. Pitchford shall serve as aldermen for a term of one year, or until their successors are elected and qualified. William L. Dale and J. Blount Turner shall serve as aldermen for a term of two years, or until their successors are elected and qualified. Daniel Dulaney and David W. Ligon shall serve as aldermen for a term of three years, or until their suc- Present officers

- Election managers cessors are elected and qualified. All elections shall be held by three citizens of said town, appointed as managers by the mayor and councilmen of said town of McFall. The managers of the election shall certify the result to the mayor and councilmen of the town. In case two persons offering for the same office shall receive an equal number of votes, then one of the managers who shall be designated as chairman at the time of their appointment, shall give the casting vote and shall give the person elected a certificate of election. Notice of the time and place of the election shall be given by the posting of three or more notices in places within the corporate limits of the town of McFall by the mayor of said town. The person so elected shall, before entering upon the discharge of their duties, take and subscribe the following oath: "I, A. B. (mayor, councilmen, superintendent, clerk, marshal, policeman, treasurer, as the case may be), do solemnly swear that I will, to the best of my ability and skill, discharge all the duties incumbent on me without favor or affection, so help me God," which oath shall be administered by a justice of the peace and a certificate filed with the records of the town.
- Oath
- Ballots
- Contests
- Sec. 4. Be it further enacted, That the ballots cast at any election shall be carefully sealed up, after being counted by the managers, and by them deposited with the clerk of said town, who shall carefully preserve them for twenty days after the result of said election is declared, and then if there be no contest, the said clerk shall cause the same to be burned in the presence of himself and the mayor, but in the event of contest shall be delivered to the Court or judge trying the same.
- Sec. 5. Be it further enacted, That any election held under the provisions of this act may be contested in the same manner as is provided by law, or may be provided by laws of the State of Alabama for contesting the election of probate judge, and all the provisions of such laws in relation to contesting the election of probate judge shall, as far as the same are, or may be applicable to contest under this act.

Sec. 6. Be it further enacted, That if the mayor or any councilman, during his term of office, and after qualifying, shall die, remove from corporation, resign, refuse to act or be permanently disabled from acting, the remaining councilmen shall elect by ballot in his stead another mayor or councilman, who shall have proper qualifications, and shall continue in office the remainder of the term and until his successor is elected and qualified, and if any person elected mayor or councilman by the qualified voters of said town at any election under this act shall refuse to qualify, the remaining councilmen shall, by ballot, elect in his stead, if mayor, one of their own body; if councilman, some person having the qualifications prescribed for electors in said town, who shall continue in office during the remainder of the term and until their successors are elected and qualified.

Vacancies

Sec. 7. Be it further enacted, That the councilmen shall be the judge of the qualifications of the mayor, and the mayor and the councilmen be the judge of the qualifications of the councilmen.

Qualifications

Sec. 8. Be it further enacted, That a majority of the mayor and councilmen shall constitute a quorum for the transaction of business. The mayor and councilmen shall fix their own sessions and special meetings may be called by the mayor at any time or by two of the councilmen. In case of sickness or temporary absence of the mayor, the councilmen may appoint one of their own number to act as mayor during such sickness or absence, such mayor pro-tempore shall exercise all the powers and perform all the duties of the mayor, but the mayor shall not vacate his office by any temporary absence from the town or State.

Quorum

Sec. 9. Be it further enacted, That it shall be the duty of the mayor to attend and preside and keep order at the meetings of the council, to hear and determine all cases of violations of all by-laws and ordinances or charter of said town, and he is hereby invested with power and authority to take jurisdiction of every violation of the laws and ordinances of said town, and to try and convict and punish the same according to the laws and ordinances of said town, and he shall have authority

Duties of

mayor

while holding his Court to punish any contempt of his Court by fines or imprisonment, or both, but the imprisonment must not exceed ten days or the fine exceed twenty-five dollars, and the mayor may compel the attendance of witnesses on his Court by fining them not to exceed ten dollars, to be enforced as other fines are enforced, if witness fail to appear before him and testify after being duly served with subpoena. The mayor shall do and perform such other duties as the council may prescribe, and before entering upon the duties of his office shall give a bond in the sum of two hundred dollars, payable to the town of McFall, to be approved by a majority of council, and conditioned on the faithful performance of his duties as mayor. Appeal from any decision of the mayor of said town may be taken or had in the same manner as is now or may be provided for on appeal from a Justice of the Peace Court. Cases originating in that portion of the town of McFall which lies in Talladega county, Alabama, shall be certified on appeal to the proper courts of that county. Cases originating in that portion of the town of McFall which lies in Calhoun county, Alabama, shall be certified on appeal to the proper courts of that county. The mayor shall receive no salary, but may receive such fees as the council may prescribe.

School district Sec. 10. Be it further enacted, That the town of McFall shall be a separate school district.

Police force Sec. 11. Be it further enacted, That the police force shall consist of a marshal and such subordinate police officers as the mayor and council may by ordinance from time to time prescribe. All the members of the police force shall be removable by the mayor and council for good cause at any time. The marshal and all subordinate officers shall be elected by the mayor and council. The marshal and all subordinate police officers shall be elected for a term of one year. The marshal and all subordinate police officers shall receive no salary, but may receive such fees as may be prescribed by the mayor and council.

Clerk and treasurer Sec. 12. Be it further enacted, That the mayor and the council shall appoint a city clerk, who may receive as compensation a salary prescribed by the

mayor and council, who shall assess the taxes in the said town of McFall. That the mayor and the council shall appoint a city treasurer, who may receive as compensation fees to be prescribed by the mayor and council. The mayor and council may prescribe the duties, liabilities and powers of such officers, and may require them to give bonds in such sums as they may see fit for the faithful discharge of their duties, and for good cause may remove them. The said city clerk and city treasurer shall be elected for a term of three years. That the mayor and council shall appoint a city superintendent of public schools, who by virtue of his office shall be ex-officio principal of the public schools, and who shall hold his office for the term of three years, who must be a resident and freeholder at the time of his election, and who must be a person qualified to teach all branches prescribed by law in a first grade teacher's license. The said city superintendent may examine all applicants for positions as teachers in the city schools and grant licenses to said applicants in the same manner as license is granted by county superintendents of education of Alabama. He shall receive as compensation a salary that may be prescribed by the mayor and council. The city shall keep a record of all proceedings, orders, regulations, resolutions and ordinances of the mayor and council and signed by the mayor and acting mayor, and shall have the force and effect of a record, and a copy thereof certified by the clerk shall be prima facie evidence in any Court, and said record shall at all times be open for inspection. For the breach of the bond of any of the city officers suit may be brought in the proper courts, as prescribed for breach of bond in the general laws of the State of Alabama.

Superintendent of schools

Record

Sec. 13. Be it further enacted, That the mayor and councilmen of the City of McFall shall have full and complete power, 1st, to make and adopt by-laws and ordinances that may be necessary to carry out the powers herein granted and for the good government and order of said city, and affix thereto such penalties for violation of the same by fine not exceeding fifty dollars and hard labor for the city not exceeding thirty days, one or both. 2nd.

Powers

Taxes

Licenses

Work on
streets

To prevent and remove all nuisances at the expense of the person causing the same and upon whose premises the same may be found. 3rd. To license, tax, regulate or restrain theatrical or other amusements. 4th. To regulate policemen or watchmen. 5th. To establish streets, avenues or alleys. 6th. To establish, regulate and control free white public schools and free colored schools, either or both; to pay the superintendent and teachers thereof, and to organize and establish such in connection with direction of the board of education of the State, on such terms as may be agreed upon by them, or establish such schools independently of said board of education, provided, that said mayor and councilmen of the City of McFall may levy, assess, and collect a tax in such manner and in such amount as is not inconsistent with the Constitution of the State, on all real and personal property in said city for the support of the public schools; provided further, that they may prescribe the terms upon which non-residents of said city may be admitted to schools. 7th. To pass all laws necessary and proper, with or without warrant, for the arrest of all persons violating the city laws or ordinances. 8th. Said city council shall have authority to levy and collect a license from all firms, corporations trading or carrying any business, trade or profession by agents or otherwise, but mechanics and painters, who employ no capital, but conduct their trade by their skill, shall not be subject to payment of license. The assessment herein mentioned shall be made by the city clerk from the State and county assessment books as assessed the preceding year, and it shall be the duty of the said city council to require the city clerk to assist the two county tax assessors in assessing the property of the city.

Sec. 14. Be it further enacted, That the said city council shall have authority to acquire all male inhabitants of the city who have resided therein ten days and who are between the ages of eighteen and forty-five to work on the streets of said city six days in each year under such officers as the city council may appoint; provided, that any person so required to work may relieve himself from

working by paying into the city treasury the sum of four dollars. Relief

Sec. 15. Be it further enacted, That the city council shall cause a copy of the tax lists and books of all the property in the corporate limits of said city listed and assessed as appears on such tax assessors books for the current year to be made and entered in a book kept for that purpose, with all the additions and alterations that may have been made under the provisions of this act; provided, that the city council may make such regulations as may be necessary in order to have all the taxable property assessed as required by law. That as soon as such book is made and corrected it shall be filed in the city clerk's office, where it shall remain for twenty days open for inspection, and said city council shall have a meeting at least before the said twenty days have expired and hear all complaints and make all corrections of errors in assessments of property in said city. Tax assessments

Sec. 16. Be it further enacted, That as soon as possible after the lapse of twenty days the city council shall levy for the current year the tax authorized by this act on all property and subjects of taxation so listed and valued in the book heretofore mentioned, corrected as aforesaid. Tax

Sec. 17. Be it further enacted, That the taxes so levied under this act shall have the force and effect of a judgment at law against the person assessed herewith, and for said taxes so levied and for all other taxes authorized by this act the City of McFall shall have a preferred lien over all incumbrances and securities whatsoever, except State and county taxes, against the property of any person under this act for which such person may become liable for the current year, shall be lien upon the real and personal estate of such person in the City of McFall from the first day of January of that year, or if brought in after that time the lien shall attach from the time it was brought into said city. Tax lien

Sec. 18. Be it further enacted, That after the taxes shall be so fixed and levied, the mayor of said city shall certify the same at the end of the tax book, and append thereto his warrant directed to the marshal of said City of McFall, authorizing and Collection of taxes

commanding such officer to collect the taxes so levied, commencing on the 15th day of September and continuing until the 15th day of October each year. After which time all persons not having paid their taxes shall be regarded as delinquent. The said marshal shall notify the public by posting notices three weeks in advance in three public places in said city immediately preceding the 15th day of September, in each year, stating that he is ready to receive payment of taxes. Taxes not appearing in this book, but authorized by this act, shall be collected on the warrant of the mayor, directed to the tax collector, commanding him to collect said taxes.

Duty of city
marshal

Sec. 19. Be it further enacted, That after the 15th of October each year the city marshal shall make personal demand on delinquents, wherever they may be found, for their taxes; and where unable to find them in said city, shall leave a notice at the place of residence of such tax payers, requiring them to come forward and pay such taxes and costs immediately, and for making such personal demand or giving such notice he shall be entitled to fifty cents, but no demand or notice shall be necessary to the tax payers who are non-residents of the city, except such as required by the general laws of the State.

Chargeable
with whole
amount

Sec. 20. Be it further enacted, That the marshal of the city, or such other officer as may be designated by the city council to collect taxes, shall be charged with and accountable for the whole amount of taxes assessed for the year, and can only be discharged from such accountability by showing that the taxes unpaid could not be collected by the means given him for their collection.

Tax sales

Sec. 21. Be it further enacted, That all taxes laid under this act which are not paid by the 1st day of November each year shall, after that time, be collected by the marshal by levying upon and seizing any personal property, if there be any, or if there be none, or not sufficient personal property, then he may sell the real estate of such delinquent tax payer as is now provided by law for collecting State and county taxes.

Sec. 22. Be it further enacted, That when real estate is levied on for taxes, notice of sale shall be given by publication in a newspaper published in the county in which the said real estate is located, if in that portion of the City of McFall which lies in Calhoun county, Alabama, a notice shall be published in a newspaper published in that county once a week for two weeks; if in that portion of the City of McFall which lies in Taladega county, Alabama, a notice shall be published in a newspaper published in that county once a week for two weeks, and the sale shall take place in front of the schoolhouse in the City of McFall. That the marshal shall bid off for the City of McFall on all lots and lands on which he can not get a bid from other persons for the taxes and expenses of sale, and said marshal shall issue a certificate of purchase to said city, such real estate shall be subject to the redemption, as provided for the sale of lands for payment to the State and county taxes. After the expiration of two years, the mayor of said city shall make and execute to holders of certificates, deeds to each lot or parcel of land sold and unredeemed and deliver the same to the purchaser or his assignees upon the return of the certificate and the payment of all subsequent taxes on the property and one dollar for the deed.

Advertising

Sale

Redemption

Sec. 23. Be it further enacted, That the mayor and the council of the City of McFall shall have exclusive power and authority to levy, assess and collect all poll tax from the inhabitants of said city liable to pay such tax, to be used and applied exclusively to the public schools of said city, said tax to be assessed and collected as other taxes are assessed and collected; provided, that the poll tax collected from white men shall be applied to the school fund for white children, and the poll tax collected from colored men to be applied to the public schools for colored children.

Poll tax

Sec. 24. Be it further enacted, That the mayor and council of the City of McFall be, and they are hereby created a board of trustees of a separate school district created by this act, and such board of trustees are alone authorized and empowered to employ or contract with teachers of any public schools

Trustees
school district

Teachers

Secretary
and treas-
urer

School funds

in said school district established by and created by this act, and that no teacher shall be employed to teach a public school in said city unless such teacher so employed shall have been duly examined as to his or her efficiency by the city superintendent of public schools. That said board shall appoint a secretary, who shall be a member of said board, and a treasurer, and the treasurer of said board shall give bond in such sum as the board may direct, for the faithful discharge of his duties. That the City of McFall, as soon as such school district shall receive its proportionate share of the public fund from all sources, including the prorata share of the sixteenth section fund of each township that lies partly within said school district, all such funds to be drawn from the proper authorities and disbursed by said board of trustees through its secretary and treasurer in the same manner as county superintendents of education draw and disburse funds for their respective counties; provided, that said board of trustees may at any time, after the same has been paid in, draw from the State of Alabama all school funds due said school district for the then scholastic year, and the amount thus drawn by the said board of trustees shall be used exclusively for the maintenance of the free public schools in the city, for white or colored, as may have been appropriated by law.

Approved December 14th, 1898.

No. 114)

AN ACT

(H. 525)

To grant a new charter for the town of Guin, in the County of Marion and State of Alabama.

Incorporated

Corporate

limits

Section 1. Be it enacted by the General Assembly of Alabama, That the Town of Guin, in the County of Marion and State of Alabama, be and the same is hereby incorporated, and the corporate limits of said town shall contain the following territory, viz: Southeast quarter and south half of northeast quarter, section 32; and southwest quarter and south half of northwest quarter of sec-

tion 33, township 12, range 13, and the present and future inhabitants of said town shall be and continue a body politic and corporate under the name and style of the Town of Guin, under and by which name and style the corporate authorities thereof may sue and be sued, either in law or equity, and may purchase and hold property, not to exceed five thousand dollars, and to do all act incident to bodies corporate. Powers

Sec. 2. Be it further enacted, That the government of said town shall be styled mayor and councilmen of the Town of Guin, and shall consist of a mayor and five councilmen, who shall be citizens and householders of said town and shall serve for a term of one year and until their successors are elected and qualified. Said officers shall be elected by the male inhabitants of said town who are qualified electors under the Constitution and laws of the State of Alabama, and before entering upon port the Constitution of the State and the laws thereof, and the by-laws and ordinances of said town, and the oath of office therein prescribed. Government Elections

Sec. 3. Be it further enacted, That the regular their official duties, they shall take an oath to sup- election for said officers shall be held annually on the first Monday in January, and shall be conducted by three or more qualified electors appointed by the mayor and councilmen for that purpose, and the mayor so elected shall be ex-officio justice of the peace, with jurisdiction concurrent with Circuit Court of said county to try all misdemeanors committed within the corporate limits, and to have all the jurisdiction of notaries public and justices of the peace in said County of Marion, Alabama. The mayor and councilmen shall determine the legality of electors and declare who are duly elected officers, and in the case of a tie, shall determine who shall be mayor and councilmen; but the corporation shall not be dissolved should there be no election as herein prescribed, in which case the mayor, with the consent of the councilmen, shall forthwith order an election to be held within thirty days thereafter, and all elections so held shall be conducted under the general laws of the State of Alabama.

Sec. 4. Be it further enacted, That should a va- Vacancies

cancy occur in the office of mayor or councilmen, such vacancy shall be filled by election by the remaining members of the board.

Clerk

Marshal

Treasurer

Powers

Sec. 5. Be it further enacted, That the mayor and councilmen of said town shall have the power, 1st, to employ a clerk, who in addition to his general duties, shall assess the taxes; a marshal, who shall collect the taxes; also, to employ counsel for advice and for the prosecution of offenders, and for the defense of all suits against said town; a treasurer, whose duty it shall be to receive, safely keep and disburse the funds and money belonging to said town. 2nd, to determine the fees and salaries of officers; 3rd, to enact such laws and ordinances as may be necessary to maintain the powers herein granted; 4th, to prevent and remove nuisances at the cost of the person or persons causing them, or on whose premises they are found; 5th, to license, tax, regulate or restrain any and all shows or public exhibitions, public concerts, amusements or other entertainments; levy and collect a privilege tax not exceeding \$25.00 per annum on each lawyer, physician, dentist, merchant, dealer in groceries, druggist, hotel or inn keeper, carrying on business in said town; and the said privilege tax may also be levied and collected from such other persons, occupations and professions as the mayor and board of aldermen may determine; 6th, to prohibit disorderly houses, houses of ill-fame, gaming houses, racing and prize-fighting within the limits of said town; 7th, to prevent and punish breaches of the peace and disorderly conduct, to define and punish vagrancy and to punish all other misdemeanors against the laws of the State of Alabama; 8th, to establish night and day police; 9th, to prevent and punish all unlawful assemblies; 10th, to prevent and punish violations of the Sabbath, and any disturbance or interference with public or private worship, to punish profane, abusive, insulting or obscene language or indecent exposure of the person or improper exhibitions; 11th, to prevent and punish wanton, willful or malicious mischief to houses, fences, fruit, shade or ornamental trees, animals or other property within the corporate limits of the town; 12th,

to work and keep in repair the streets, sidewalks, alleys, avenues, bridges and wells of said town, to keep them free from obstruction, to widen and change their directions, to discontinue or close them when expedient, and to open new ones; 13th, to prohibit any person or persons from selling, giving away or otherwise disposing of vinous, spirituous or malt liquors, or other intoxicating beverages, or intoxicating biters or concoctions of any kind, within the corporate limits of said town; 14th, to license and tax billiard and pool tables, bowling alleys, drays and peddlers; 15th, to punish by fine, not exceeding three hundred dollars, and imprisonment or hard labor, or both, for not exceeding ninety days, any breach or violation of the laws, ordinances, by-laws and regulations of said town, and to impose additional hard labor and imprisonment for non-payment of fines and costs, not inconsistent with the laws of the State: Provided, that in all cases wherein judgment shall have been rendered against any person, he shall be entitled to an appeal to the Circuit Court of Marion county, Alabama, under the rules and regulations prescribed by the laws of the State for causes tried before justices of the peace in Marion county, Alabama; and provided, further, that in all cases of appeal from the Mayor's Court to the Circuit Court, where the defendant is convicted, the fine and costs assessed against such defendant in said Court shall be collected in money and paid over to the treasurer of the town; 16th, to enact such laws and ordinances as may be necessary to regulate and govern hiring convicts of the town not inconsistent with the laws of the State; 17th, to take care of, remove, preserve, designate and regulate all burial grounds within the town.

Sec. 6. Be it further enacted, That said corporation shall have power to levy on all property, real and personal or mixed, within the corporate limits of the town, such taxes as may be necessary to defray the expenses of said corporation, not to exceed the rate prescribed by the constitution and laws of the State for municipal corporations, and to enforce the collection of the same according to the provisions of this act.

Powers

Appeals

Fines and costs

Convicts

Burial grounds

Taxes

Assessment

Sec. 7. Be it further enacted, That an assessment of all the property within the limits of the town, subject to taxation by the laws of the State, shall be made annually to the owner of said property when known, otherwise to owner unknown, and upon failure or refusal of any person to give in his or her property when required to do so, the assessor shall and must proceed to assess the same from the best information he can obtain. The assessment when completed must be returned to the mayor and councilmen, who shall cause ten days notice to be given by posting up three written notices of the time and place when corrections will be made. When corrections shall have been made as above provided, the assessment must be marked "approved." The assessment so approved shall have the force and effect of a judgment and execution and upon failure on the part of the owner of

Levy and sale

any such property to pay such taxes, the marshal or person collecting taxes may collect the same by levy upon and sale of such property or any other property of any kind owned by such delinquent tax payer: Provided, that no property of any description shall be so taxed which is exempt from taxation by the laws of the State, and provided, further, that all sales of property under the provisions of this act must be advertised by posting written notices in three public places in said town for fifteen days or more, which notice must contain a description of the property so levied upon, the name of the person to whom assessed, when known, and the amount for which it is to be sold. Certificates of purchase must be given by the officer making sale of said property, similar in form to those given in sales of property, for the collection of State and county taxes, and shall have the force and effect of transferring the title of the property so sold. The time and right of redemption of real property so sold shall be the same as provided for by the laws of the State, and at the expiration of the time for redemption of the property sold, the mayor must, upon presentation of the certificate of purchase execute a deed to the purchaser of said property in accordance with the laws of the State in relation

Redemption

thereto, and shall be entitled to the same fees therefor as provided in other cases.

Sec. 8. Be it further enacted, That all persons residing within the corporate limits of said town who would be liable to road duty under the laws of the State of Alabama shall in lieu of working the public roads be required to work on the streets of said town, not exceeding ten days in any one year: Provided, That all such persons shall be exempt from such duty by paying such street tax as the corporate authorities may impose, not exceeding five dollars in any one year.

Sec. 9. Be it further enacted, That the mayor of said town of Guin shall have jurisdiction of and power to try all violations of the laws and by-laws and ordinances of said town, and jurisdiction concurrent with the Circuit Court of Marion county, Alabama, of all misdemeanors committed within the corporate limits of said town, and shall have power to punish by fine and imprisonment all contempts of Court; and in case of the absence of the mayor, or when he is related to the defendant or otherwise interested in the case it shall be lawful for either one of the councilmen to act as mayor of said town.

Sec. 10. Be it further enacted, That the marshal shall have the same powers to arrest offenders, execute powers and improve the laws and ordinances of the town as sheriffs have in their respective counties, and shall be vested with the same authority in the discharge of his duties as is conferred upon sheriffs by the laws of the State. He shall also have power to arrest offenders for offenses committed in his presence or for offenses which he has probable cause to believe were committed within the corporate limits of said town, and keep such offenders in custody until discharged by law unless good and sufficient bail is given.

Sec. 11. Be it further enacted, That in addition to the powers herein before granted, the mayor and councilmen of said town shall have power to pass any laws and ordinances necessary for the peace, health and good government of the inhabitants of the said town.

Bonds

Sec. 12. Be it further enacted, That before the mayor, treasurer or marshal of said town shall enter upon the discharge of their duties, the mayor shall give bond in the penal sum of one thousand dollars, payable to and to be approved by the councilmen of said town, with condition to faithfully discharge the duties imposed upon him as mayor of said town. The marshal and treasurer of said town shall also give bond payable to the mayor in such sum as the mayor and councilmen may require, not exceeding one thousand dollars, conditioned to faithfully perform the duties of their respective offices.

Effect of this
act

Sec. 13. Be it further enacted, That no prosecution, suit or claim whatever pending or brought under the existing laws of said town, shall in any manner be effected, impeded or altered by the passage of this act, and all the existing ordinances, by-laws and regulations of the said town of Guin, adopted in pursuance of the original or amended charters of said town and not inconsistent with the provisions of this act, or the constitution and laws of the State of Alabama, shall be and remain in full force and effect, as the by-laws and ordinances of said town until repealed, changed or modified by the mayor and councilmen under this act, and that the present officers of the said town of Guin shall be subject to the provisions of this act in all things that pertain to their official duties, and shall be vested with all the powers and rights conferred by this act during their term of office, and until their successors are elected and qualified.

By-laws to be
published

Sec. 14. Be it further enacted, That no by-laws or ordinances passed by the authorities of said town shall be enforced until the same has been published at least ten days by posting in three public places in said town; but it shall be necessary for such by-laws or ordinances to be published in a newspaper.

Repeal

Sec. 15. Be it further enacted, That all charters, and amendments thereto, heretofore granted said town of Guin, be and the same are hereby repealed.

Approved December 14th, 1898.

No. 115)

AN ACT

(H. 524)

To grant a new charter for the Town of Hamilton,
in the County of Marion, and State of Alabama.

Section 1. Be it enacted by the General Assembly Incorporated
of Alabama, That the Town of Hamilton, in the
County of Marion, and State of Alabama, be and
the same is hereby incorporated, and the corporate
limits of said town shall contain the following ter-
ritory, viz: SE $\frac{1}{4}$ and E $\frac{1}{2}$ of SW $\frac{1}{4}$, section 34, W $\frac{1}{2}$
of SW $\frac{1}{4}$, and NW $\frac{1}{4}$ of section 35, Township 10 and
W $\frac{1}{2}$ of NW $\frac{1}{4}$ of section 2, E $\frac{1}{2}$ of NE $\frac{1}{4}$ and NW Corporate
 $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 3, Town- limits
ship 11, all in Range 14, and the present and future
inhabitants of said town shall be and continue a
body corporate under the name and style of the
Town of Hamilton, under and by which name and Name
style the corporate authorities thereof may sue and Powers
be sued, either in law or equity, and may pur-
chase and hold property to an amount not exceed-
ing five thousand dollars in value, and do all acts
incident to bodies corporate.

Sec. 2. Be it further enacted, That the govern- Government
ment of said town shall be styled mayor and coun-
cilmembers of the Town of Hamilton, and shall consist
of a mayor and five councilmen, who shall be citi-
zens and householders of said town, and shall serve
for a term of one year, and until their successors
are elected and qualified. Said officers shall be
elected by the male inhabitants of said town who
are qualified electors under the constitution and
laws of the State of Alabama, and before entering
upon their official duties they shall take an oath
to support the constitution of the State and the
laws thereof, and the by-laws and ordinances of
said town, and the oath of office herein prescribed.

Sec. 3. Be it further enacted, That the regular Elections
election for said officers shall be held annually on
the 1st Monday in January, and shall be conducted
by three or more qualified electors appointed by
the mayor and councilmen for that purpose, and
the mayor so elected shall be ex-officio justice of
the peace with jurisdiction concurrent with Cir-

cuit Court of said county, to try all misdemeanors committed within the corporate limits, and to have all the jurisdiction of notaries public and justices of the peace in said County of Marion, Alabama. The mayor and councilmen shall determine the legality of electors and declare who are duly elected officers, and in the case of a tie shall determine who shall be mayor and councilmen, but the corporation shall not be dissolved should there be no election as herein prescribed, in which case the mayor, with the consent of the councilmen, shall forthwith order an election to be held within thirty days thereafter. And all elections so held shall be conducted under the general laws of the State of Alabama.

Vacancies

Sec. 4. Be it further enacted, That should a vacancy occur in the office of mayor or councilmen such vacancy shall be filled by election by the remaining members of the board.

Powers

Sec. 5. Be it further enacted, That the mayor and councilmen of said town shall have the powers: First. To employ a clerk, who in addition to his general duties, shall assess the taxes; a marshal, who shall collect the taxes; also, to employ counsel for advice and for prosecution of offenders, and for the defense of all suits against said town; a treasurer, whose duty it shall be to receive, safely keep and disburse the funds and money belonging to said town. Second. To determine the fees and salaries of officers. Third. To enact such laws and ordinances as may be necessary to maintain the powers herein granted. Fourth. To prevent and remove nuisances at the cost of the person or persons causing them or on whose premises they are found. Fifth. To license, tax, regulate, or restrain any and all shows or public exhibitions, public concerts, amusements or other entertainments; levy and collect a privilege tax not exceeding \$25.00 per annum on each lawyer, physician, dentist, merchant, dealer in groceries, druggist, hotel or inn keeper, carrying on business in said town, and the said privilege tax may also be levied and collected from such other persons, occupations, and professions as the mayor and board of aldermen may determine. Sixth. To prohibit disorderly houses, houses of ill fame, gam-

ing houses, racing and prize fighting, within the limits of said town. Seventh. To prevent and punish breaches of the peace and disorderly conduct, to define and punish vagrancy, and to punish all other misdemeanors against the laws of the State of Alabama. Eighth. To establish night and day police. Ninth. To prevent and punish all unlawful assemblies. Tenth. To prevent and punish violations of the Sabbath, and any disturbance or interference with public or private worship; to punish profane, abusive, insulting or obscene language, or indecent exposure of the person, or improper exhibitions. Eleventh. To prevent and punish wanton, willful or malicious mischief to houses, fences, fruit, shade or ornamental trees, animals or other property within the corporate limits of the town. Twelfth. To work and keep in repair the streets, sidewalks, alleys, avenues, bridges and wells of said town; to keep them free from obstruction, to widen and change their directions; to discontinue or close them when expedient and to open new ones. Thirteenth. To prohibit any person or persons from selling, giving away or otherwise disposing of vinous, spirituous or malt liquors, or other intoxicating beverages or intoxicating bitters or concoctions of any kind within the corporate limits of said town. Fourteenth. To license and tax billiard and pool tables, bowling alleys, drays and peddlers. Fifteenth. To punish by fine not exceeding three hundred dollars and imprisonment or hard labor, or both, for not exceeding ninety days, any breach or violation of the laws, ordinances, by-laws and regulations of said town; and to impose additional hard labor and imprisonment for non-payment of fines and costs, not inconsistent with the laws of the State: Provided, That in all cases wherein judgment shall have been rendered against any person, he shall be entitled to an appeal to the Circuit Court of Marion county, Alabama, under the rules and regulations prescribed by the laws of the State for causes tried before justices of the peace in Marion county, Alabama, and provided, further, that in all cases of appeal from the Mayor's Court to the Circuit Court, where the defendant is convicted, the fine and costs assessed against such defendant in

said Court shall be collected in money and paid over to the treasurer of the town. Sixteenth. To enact such laws and ordinances as may be necessary to regulate and govern hiring convicts of the town, not inconsistent with the laws of the State. Seventeenth. To take care of, remove, preserve, designate and regulate all burial grounds within the town.

Taxes

Sec. 6. Be it further enacted, That said corporation shall have power to levy on all property, real and personal or mixed, within the corporate limits of the town, such taxes as may be necessary to defray the expenses of said corporation, not to exceed the rate prescribed by the constitution and laws of the State for municipal corporations, and to enforce the collection of the same according to the provisions of this act.

Assessment

Sec. 7. Be it further enacted, That an assessment of all the property within the limits of the town, subject to taxation by the laws of the State, shall be made annually, to the owner of said property when known, otherwise to owner unknown, and upon failure or refusal of any person to give in his or her property when required to do so, the assessor shall, and must proceed, to assess the same from the best information he can obtain. The assessment when completed must be returned to the mayor and councilmen, who shall cause ten days' notice to be given by posting up three written notices of the time and place when corrections will be made; when corrections shall have been made as above provided, the assessment must be marked "Approved." The assessment so approved shall have the force and effect of a judgment and execution, and upon failure on the part of the owner of any such property to pay said taxes, the marshal or person collecting taxes may collect the same by levy upon and sale of such property or any other property of any kind owned by such delinquent tax payer: Provided, That no property of any description shall be so taxed which is exempt from taxation by the laws of the State, and, provided, further, that all sales of property under the provisions of this act must be advertised by posting written notices in three public places, in said town, for fifteen

Levy and

sale

days or more, which notice must contain a description of the property so levied upon, the name of the person to whom assessed, when known, and the amount for which it is to be sold. Certificates of purchase must be given by the officer making sale of said property, similar in form to those given in sales of property for the collection of State and county taxes, and shall have the force and effect of transferring the title of the property so sold. The time and right of redemption of real property so sold shall be the same as provided for by the laws of the State, and at the expiration of the time for redemption of the property sold, the mayor must, upon presentation of the certificate of purchase, execute a deed to the purchaser of said property, in accordance with the laws of the State in relation thereto, and shall be entitled to the same fees therefor, as provided in other cases. Redemption

Sec. 8. Be it further enacted, That all persons residing within the corporate limits of said town who would be liable to road duty under the laws of the State of Alabama, shall in lieu of working the public roads be required to work on the streets of said town not exceeding ten days in any one year: Provided, That all such persons shall be exempt from such duty by paying such street tax as the corporate authorities may impose, not exceeding five dollars in any one year. Work on streets
Street tax

Sec. 9. Be it further enacted, That the mayor of said Town of Hamilton shall have jurisdiction of and power to try all violations of the laws and by-laws and ordinances of said town, and jurisdiction concurrent with the Circuit Court of Marion county, Alabama, of all misdemeanors committed within the corporate limits of said town, and shall have power to punish by fine and imprisonment all contempts of Court; and in case of the absence of the mayor, or when he is related to the defendant or otherwise interested in the case, it shall be lawful for either one of the councilmen to act as mayor of said town. Powers of mayor

Sec. 10. Be it further enacted, That the marshal shall have the same powers to arrest offenders, execute process and enforce the laws and ordinances of the town as sheriffs have in their respective Powers of marshal

counties, and shall be vested with the same authority in the discharge of his duties as is conferred upon sheriffs by the laws of the State. He shall also have power to arrest offenders for offenses committed in his presence, or for offenses which he has probable cause to believe were committed within the corporate limits of said town, and keep such offenders in custody until discharged by law, unless good and sufficient bail is given.

Powers of
mayor and
councilmen

Sec. 11. Be it further enacted, That in addition to the powers hereinbefore granted, the mayor and councilmen of said town shall have power to pass any laws and ordinances necessary for the peace, health and good government of the inhabitants of the said town.

Official bonds

Sec. 12. Be it further enacted, That before the mayor, treasurer, or marshal of said town shall enter upon the discharge of their duties, the mayor shall give bond in the penal sum of one thousand dollars, payable to and to be approved by the councilmen of said town, with condition to faithfully discharge the duties imposed upon him, as mayor of said town. The marshal and treasurer of said town shall also give bond, payable to the mayor, in such sum as the mayor any councilmen may require, not exceeding one thousand dollars, conditioned to faithfully perform the duties of their respective offices.

Effect of this
act

Sec. 13. Be it further enacted, That no prosecution, suit or claim whatever pending or brought under the existing laws of said town, shall in any manner be affected, impeded or altered by the passage of this act, and all the existing ordinances, by-laws and regulations of the said Town of Hamilton, adopted in pursuance of the original or amended charters of said town, and not inconsistent with the provisions of this act, or the constitution and laws of the State of Alabama, shall be and remain in full force and effect, as the by-laws and ordinances of said town until repealed, changed, or modified by the mayor and councilmen under this act, and that the present officers of the said Town of Hamilton shall be subject to the provisions of this act, in all things that pertain to their official duties, and shall be vested with all the powers and

rights conferred by this act, during their term of office, and until their successors are elected and qualified.

Sec. 14. Be it further enacted, That no by-laws or ordinances passed by the authorities of said town shall be enforced until the same has been published at least ten days by posting in three public places in said town; but it shall be necessary for such by-laws or ordinances to be published in a newspaper. By-laws to be advertised

Sec. 15. Be it further enacted, That all charters, and amendments thereto, heretofore granted said Town of Hamilton be and the same are hereby repealed. Repeal

Approved December 14th, 1898.

No. 116)

AN ACT

(H. 229

To fix and regulate the fees of Justices of the Peace and Notaries Public and ex-officio Justices of the Peace and Constables in the County of Barbour.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act justices of the peace and notaries public and ex-officio justices of the peace and constables of the County of Barbour, are and shall be entitled to receive for their services hereinafter mentioned the fees thereon respectively annexed, and no more, to be taxed, collected and paid in the manner provided by law: Justices' fees in civil cases, for summons in civil cases and proceedings, thereon to judgment, \$1.00; for warrants in quitam cases and proceedings thereon to judgment, \$1.50; for subpoena for each witness, \$0.25; for execution and taxing costs thereon, \$0.75; for attachment bond and affidavit, \$2.00; for summons for garnishee and taking examination, \$1.00; for judgment and order of sale on attachment, \$0.50; for every bond or undertaking, \$1.00; for administering an oath and certifying the same, \$0.50; for judgment on summary proceeding, \$1.00; for issuing venire facias, \$1.00; for Fees

Fees

attending on trial of right of property, \$2.00; in cases of forcible entry and detainer and unlawful detainer for each summons, \$1.00; for presiding on trial in such cases, \$3.00; for issuing writ of restitution in such cases, \$0.50. Justice fees in criminal cases: For the complaint, \$0.50; for warrant of arrest, \$1.00; for search warrant, \$1.00; for each bond or undertaking of the accused, \$1.00; for each bond or undertaking of witness, \$0.50; for order of commitment to jail, \$0.50; for each execution for costs, \$0.50; for each trial of an offense, \$1.50. Constable fees in civil cases: For serving summons, \$1.00; for summoning each witness, \$0.50; for levying an attachment, \$1.00; for levying an execution, \$1.00; for making money on each execution, 2 per cent. on the amount collected, but in no case less than \$1.00; taking any bond required by law, \$0.75; for summoning jury in Justice Court, \$2.00; for attending on trial, \$1.00; for keeping property levied on, such sum as the justice believes just and reasonable out of the money in the hands of the constable or arising from the sale of such property or received by reason of such levy. Constable fees in criminal cases: For executing search warrant in day time, \$1.50; for executing search warrant in night time, \$3.00; for executing any other warrant, \$1.50; for serving each subpoena or notice issued by a justice of the peace or notary public, ex-officio justice of the peace, \$0.50; for conveying a person upon a warrant of arrest before a magistrate, or to jail, when committed by a magistrate for himself and each necessary guard, to be proven by the affidavit of the constable for each mile, \$0.20; for taking and approving each bond or undertaking, \$0.75.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws, general or special, in conflict with any of the provisions of this act, be and the same are hereby repealed.

Approved December 14th, 1898.

No. 117)

AN ACT

(H. 243

To establish a county school book board and to select a uniform series of text books for use in the public schools in the counties of Lamar and St. Clair.

Section 1. Be it enacted by the General Assembly of Alabama, That the probate judge, county superintendent of education, and three competent and efficient teachers, to be selected by the county superintendent of education, in the counties of Lamar and St. Clair, shall constitute a county school book board, for the purpose of adopting a series of text books for uniform use in the public schools in said counties, supported wholly or in part by public money, except separate school districts established by special acts of the legislature and authorized to adopt a uniform series of text books. The county superintendent of education shall be chairman and the probate judge shall be clerk and ex-officio member of said board. Said county school book board so constituted shall meet at the county seat, on the first Monday in July, 1899, for the purpose of carrying out the provisions of this act, but if a quorum of said board is not present at such meeting, said board shall adjourn to meet some time in the month of July in said year. The county superintendent of education shall give due notice of the time and place of such meeting.

Constitutes
board

Meetings

Sec. 2. Be it further enacted, That said county school book board shall at the regular or adjourned meeting, as prescribed in the foregoing section, select and adopt one complete series of text books, in each of the several branches of study taught in the public schools of the said counties, from the lists of the school book publishers offering the most satisfactory terms for introduction and exchange, the character and quality of the books being considered: Provided, that all publishers shall furnish a full list and prices of their books and no text book containing anything partisan, prejudicial or inimical to the interests of the people of the State, or casting a reflection upon their past history shall be

Shall adopt
text books

adopted, and such series of text books so adopted shall be established and made uniform in all of the public schools of the said counties; said adopted text books shall not be changed thereafter for five years except by a three-fourths vote of said board at a meeting called by the county superintendent of education for the purpose, of which thirty days' notice shall be given. The county superintendent of education shall make a record of said adoption, and the judge of probate shall keep a copy of the same in his office. It shall be the duty of the county superintendent of education to furnish the teachers and school officers in the said counties with a list of the text books adopted by the county school book board, and to see that the adopted list of text books is established and maintained in use in the public schools of the said counties, and he shall require each teacher to state in his report whether or not the adopted books are used in the schools under his charge and a persistent neglect on the part of the teacher to use the adopted text books shall be deemed a sufficient cause for the cancellation of his certificate: Provided, That nothing in this act shall be so construed as to prevent any persons, firms or corporations dealing in books from competing for the furnishing of books for public school in said counties, and the lowest bid and best books shall be adopted.

Members of
board not
to be agents

Sec. 3. Be it further enacted, That no member of the county school book board shall be permitted to act as an agent of any publisher or dealer in school books, nor receive any pecuniary benefits therefrom, and any member of said board guilty of violating the provisions of this section shall be fined not less than ten dollars and dismissed from the board.

When this
act takes
effect

Sec. 4. Be it further enacted, That this act shall take effect and be in force from and after the first Monday in July, and all laws, special or general, in conflict with the same are hereby repealed.

Repeal

Approved December 14th, 1898.

No. 120)

AN ACT

(H. 428

same.

To regulate the trial of misdemeanors in the County of Elmore.

Section 1. Be it enacted by the General Assembly of Alabama, That the County Court of Elmore county shall have jurisdiction concurrent with the Circuit Court of all misdemeanors committed in said county, and said Court shall be opened at all times for the trial of such offenses; but only four regular terms of said County Court shall be held each year, and these shall commence on the third Mondays of February, May, August and November, and each term may continue until the business is disposed of, and no jury trial shall be had at any other than a regular term of the Court.

Sec. 2. Be it further enacted, That any person charged with the commission of a misdemeanor in said county shall have the right to demand a speedy trial, and when such demand is made in any case, the judge of the County Court shall appoint a day not more than ten days from the date of the demand for the trial of said charge, and the clerk of said Court shall forthwith issue subpoenas for the witnesses to attend at said time, and the trial of said charge shall be had on the day appointed, unless for good cause, a continuance is ordered to another day, and when a continuance is had, the witnesses shall be required to attend on the day to which such continuance is ordered, without being resubpoenaed, but all trials had under this section shall be by the Court without a jury, and no defendant shall have a right to a trial under this section unless he shall waive a trial by jury, which waiver shall be stated upon the record.

Sec. 3. Be it further enacted, That no indictment for a misdemeanor presented in the Circuit Court of said county shall be set for trial in said Court at any term thereof unless the defendant shall file in Court a written request that the indictment against him shall be so set for trial, and it shall be the duty of the presiding judge of the circuit of

said county, at each succeeding term, to enter upon the minutes of the Court on the day of the adjournment an order requiring the clerk to deliver to the judge of the County Court all indictments for misdemeanors presented or filed in the Circuit Court, and not finally determined, and after the making of said order the jurisdiction of the Circuit Court of said indictment shall cease, and exclusive jurisdiction of the same shall vest in the County Court.

Duty of clerk
of circuit
court

Sec. 4. Be it further enacted, That it shall be the duty of the clerk of the Circuit Court of said county to enter all cases transferred under the provisions of the preceding section on the docket of the County Court; to deliver to the judge of said Court all papers pertaining to said causes; to prepare and furnish to said judge a certified transcript of all minutes, entries and proceedings had or made in said causes, in the Circuit Court, to attend the session of said County Court and act as clerk of said Court, to keep a book in which must be entered the minutes of each day's proceedings of said County Court during its special and regular terms, and enter all orders and judgments thereof; to make such a record of the proceedings in all causes tried in said Court as is by law required to be made in the Circuit Court in similar cases; to issue capias in which arrests have not been made and to issue subpoenas for witnesses, and to certify the attendance of the same, and to perform all other duties in reference to the causes triable in said County Court, under the provisions of this act, as are required of the clerk of the Circuit Court in similar cases.

Bail bonds

Sec. 5. Be it further enacted, That all bail bonds taken in misdemeanor cases in said county for the appearance of defendants at the Circuit Court shall be held and construed to require the defendant also to appear at the term of the County Court of said county at which said causes are triable, and from term to term until discharged under this act, and in all cases and proceedings as to bail, conditional judgments, forfeitures, judgments final, alias warrants of arrests and subpoenas, shall be the same in said County Court as those provided by sections 4608 to 4613 inclusive of the Code of Alabama.

Sec. 6. Be it further enacted, That all trials or Jury trials prosecutions for misdemeanors at the regular terms of the said County Courts shall be by jury, unless in any case, the defendant shall waive the same, in which case, the fact of said waiver shall be distinctly stated upon the record and the presiding judge shall then proceed to try said cause without a jury, and in all trials in such Court, upon indictment, the procedure shall be the same as is now provided by law for like cases in the Circuit Court, except so far as the same is altered by this act: Provided, That in prosecutions commenced by affidavit and warrant issuing from said County Court by the judge thereof, or by a justice of the peace, returnable thereto, the trial shall be as is now provided by the general laws of the State relating to proceedings in the County Court, and no greater strictness or certainty in the averments and statements in said paper shall be necessary than are now provided by said general law; and, provided, further, that if in any case where the prosecution has been commenced by indictment, the indictment has been lost or destroyed, or for any cause the judgment is arrested, or the indictment is quashed, the presiding judge of the County Court may, if he deem it proper, or for the interest of the State, require the defendant to enter into a bond in such sum as he may fix, with sufficient sureties, for his appearance at the next term of the Circuit Court and until he is legally discharged, to answer any indictment that may be found against him; and the time which shall have elapsed between the finding of the first and second indictment must be deducted from the time limited by law for the prosecution of offenses.

Sec. 7. Be it further enacted, That in all cases Appeals tried in said County Court of Elmore county the defendant shall have the right of appeal to the Supreme Court only in the same manner and by the same methods as is now provided by law for appeals in similar cases from the Circuit Court, and may reserve by bill of exceptions on the record questions of law arising in any of the proceedings, and may obtain writs of error in like manner, and the same proceedings may be had in such appeals as are now provided in sections 4312 to 4335

inclusive of the Code of Alabama.

Special Judge

Sec. 8. Be it further enacted, That if the presiding judge of said County Court shall from any cause, be disqualified to preside in any cause therein pending, a special judge for the trial of the same shall be selected as provided in section 18, of article 6 of the Constitution of Alabama.

Deputy

solicitor

Sec. 9. Be it further enacted, That the circuit solicitor shall appoint a deputy solicitor to represent him in the said County Court of Elmore county, who shall prosecute all criminal cases before said Court, and said deputy solicitor shall be entitled for such services, to the fees as provided in section 4561 of the Code of Alabama for trials for misdemeanors: Provided, however, that the entire compensation allowed to said county solicitor shall not exceed five hundred dollars per annum, and that all fees earned by said solicitor after he shall have received five hundred dollars, in each and every year, shall go into and be a part of the fine and forfeiture fund of said county.

Fees

Jurors

Sec. 10. Be it further enacted, That the sheriff every year, shall go into and be a part of the fine all the householders and free holders residing in the county from which list must be selected as hereinafter provided the names of such persons as may be thought competent to discharge the duties of jurors of said County Court.

Selection of
jurors

Sec. 11. Be it further enacted, That the sheriff, judge of probate and clerk of the Circuit Court, or any two of them, must meet bi-ennially on the first Monday in February, or within thirty days thereafter, at the office of the clerk of the Circuit Court, and select from said list the names of such persons as in their opinion are competent to discharge the duties of jurors with honesty, impartiality and intelligence, and are esteemed in the community for their integrity, fair character and sound judgment, but no person must be selected who is under twenty-one, or over sixty years of age, or who is an habitual drunkard, or who is afflicted with permanent disease.

List of jurors

Sec. 12. Be it further enacted, That a list of the persons selected as jurors must be written in a fair hand, setting forth the Christian name and

surname of each, with his place of residence and occupation, if known, which list must be filed in the office of the judge of probate within ten days after the selection is made.

Sec. 13. Be it further enacted, That the judge of probate on receiving said list must write the name of each person therein contained, with his place of residence and occupation; if it appears from the list, on a separate piece of paper, must fold or roll up such piece of paper as nearly as may be in the same manner, so that the name may not be visible and deposit the same in a box, which must be secured by sufficient locks, and kept by him. Jury box

Sec. 14. Be it further enacted, That at least ten days before the date fixed by this act for holding any regular term of the County Court of said county, the judge of probate, the clerk of the Circuit Court and the sheriff of said county, or a majority of them, shall draw from the jury box provided for by this act, the names of fifteen competent persons to serve as jurors of said term of the County Court, and the list of jurors so drawn shall be delivered to the clerk of the County Court, who shall issue an order to the sheriff to summons such persons to serve as jurors at said term of the County Court, and upon receipt of said order, the sheriff shall proceed to execute the same as is now provided by law for similar services as to jurors for the Circuit Court: Provided, That if, in the opinion of the judge of the County Court, no jurors will be required at the next regular term of the said County Court, said judge shall issue an order to the sheriff to desist from executing said order of the clerk, and no jury shall be summoned to said term; and provided further, that the slips containing the names of the jurors drawn under this section, shall be immediately returned to the box from which they were drawn; and provided, further, that the fact of his having served as a juror in the County Court shall not excuse or disqualify any person for serving as a juror in the Circuit Court at any term thereof. Grand jurors

Sec. 15. Be it further enacted, That each juror who shall serve at any term of said County Court shall receive for such service two dollars for each day's service and mileage, as now provided by law Pay of jurors

in the case of jurors serving in the Circuit Court; the same oath shall be administered to jurors in the County Court as in the Circuit Court, and the presiding judge shall have the same authority to excuse jurors as is now exercised by judges of the Circuit Court.

Challenges

Sec. 16. Be it further enacted, That challenges for cause shall be the same in said County Court as are allowed by law in said Circuit Court, and in each case the State shall be entitled to two peremptory challenges, and the defendant to four, and if from any cause the jury is incomplete, tales jurors may be summoned to complete the number, as provided in section 5012 of the Code of Alabama.

Pay of witnesses

Sec. 17. Be it further enacted, That witnesses subpoenaed in any cause in the County Court of said county shall receive the same pay as witnesses in the Circuit Court of said county receives, to be proved, certified and taxed as now provided by law in the Circuit Court.

Pay of court officers

Sec. 18. Be it further enacted, That the compensation of the judge of the said County Court shall remain the same, and shall be paid in the same manner as is now provided by section 4579 of the Code of Alabama, and the clerk of said Court shall receive the same fees as are allowed by law for similar services in the Circuit Court, and the sheriff shall receive the same fees as are allowed by the laws of the State for such services in the County Court, the fees of the last two mentioned officers to be taxed and collected as now provided by law, but for all services performed by the judge of the County Court in any cause, the fees shall be taxed against the defendant on conviction, and when collected to be paid into the county treasury.

Effect of this act

Sec. 19. Be it further enacted, That nothing in this act shall be so construed as to diminish or impair the jurisdiction now given by law to justices of the peace in said County of Elmore, or to interfere with the proceedings in any prosecution instituted before them; but whenever a defendant arraigned before a justice of the peace in said county shall demand a trial by jury, as demanded in section 4636 of the Code of Alabama, or on conviction, shall ap-

peal from the judgment of the justice of the peace, the bond provided for in those sections, and all as provided in section 4640 of the Code of Alabama, bail bonds taken or ordered to be taken in all other cases of misdemeanors, investigated before any magistrate in said County of Elmore, shall be conditioned for the appearance of the defendant at the next regular term of the County Court of said county and from term to term thereafter, until discharged, and not to the Circuit Court; and such bonds and all other papers pertaining to said causes shall be returned by the magistrate to the said County Court, and shall be filed with the clerk thereof by the first day of the next regular term of said County Court: Provided, That in all such cases the defendant may demand a trial by the judge of said County Court, as provided by section 2 of this act, in which case, the proceedings shall be as set forth in said section.

Sec. 20. Be it further enacted, That prosecutions ^{Prosecutions} for misdemeanors by affidavit and warrant in said ^{by affidavit} County Court shall be commenced as now provided by the general laws of the State relating to County Courts.

Sec. 21. Be it further enacted, That all laws in ^{Repeal} consistent, or in conflict with the provisions of this act, are hereby repealed.

Approved December 14th, 1898.

No. 121)

AN ACT

(H. 187

To relieve Wilbur Edrald Kelley of the disabilities
of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That Wilbur Edrald Kelley of Jefferson county, Alabama, a minor under the age of eighteen years, be and he is hereby relieved of the disabilities of non-age, and that he shall have the right to sue and be sued, contract and be contracted with, to buy, sell, mortgage and convey real and personal property, and generally to do and perform all acts which he could lawfully do if twenty-one years of age.

Relief

Approved December 14th, 1898.

No. 122)

AN ACT

(H. 386

To incorporate the North Alabama Conference College.

Incorporators	Section 1. Be it enacted by the General Assembly of Alabama, That Anson West, Frank T. J. Brandon, John B. Gregory, James S. Glasgow, Zachariah A. Parker, James H. Leslie, Isaac O. Melton, Hiram J. Davis, Robert A. Timmons, Joseph T. Morris, John S. Robertson, Edgar M. Glenn and George W. Fead, and their successors in office, are hereby constituted a body corporate, under the name of "The North Alabama Conference College," with the right and power of exercising all the privileges, incidents and capacities of corporations aggregate, to sue and to be sued, grant or receive, contract, to hold, buy and sell lands and personal property, to lend out any funds of said college, and secure the repayment thereof by taking pledges, mortgages or personal sureties, to elect or appoint a president and faculty, to be composed of such number of professors as the above-named incorporators, who shall upon the approval hereof be the trustees of said corporation, as their successors may deem proper, with the right to change the said president and professors as often as they may deem best; to employ all such teachers and tutors, agents and servants, and fix their compensation and duties, and remove the same at pleasure.
Name	
Powers	
Powers of president and faculty	Sec. 2. Be it further enacted, That the president and faculty shall have power to grant diplomas and confer all the literary degrees and make and prescribe the course of study, and change the name whenever they deem it best for the students of said college, and prescribe the rules for government of the faculty, teachers, tutors and students.
Certificates of proficiency	Sec. 3. Be it further enacted, That the faculty of said college, may grant to students of said college certificates of proficiency in all branches of study completed by said students of said college, after having examined them in said branches, as required by the school laws of the State of Alabama, shall entitle the possessor to license to teach the branches

enumerated therein in the public school laws of Alabama without further examination: Provided, however, that the holders of said certificates shall first present to the said superintendent of education sufficient proof of a good moral character.

Sec. 4. Be it further enacted, That all the property of every kind of said college shall be exempt from all State, county and municipal taxes and local assessments of every kind. Exempt from tax

Sec. 5. Be it further enacted, That whenever a vacancy shall occur in said board of trustees the same shall be filled by the remaining trustees. Vacancy

Approved December 14th, 1898.

No. 123)

AN ACT

(H. 381

To confirm and extend the incorporation of the Selma Press and Warehouse Company.

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the Selma Press and Warehouse Company, an industrial and manufacturing corporation heretofore organized under the general laws of the State, and domiciled at Selma, Alabama, be and the same is hereby confirmed with the powers given to such corporation under the general law and extended for twenty years from the approval of this act. Incorporation confirmed

Approved December 14th, 1898.

No. 124)

AN ACT

(H. 286

To regulate the fees and allowances for services in and about the administration and guardianship of estates so far as the same relates to Dale county.

Section 1. Be it enacted by the General Assembly of Alabama, That for services rendered in and about the administration and guardianship of estates when the estate does not exceed one thousand dol- Fees of administrators and guardians

lars in value, there shall be allowed for the services named, twenty-five per cent. of the fees and allowances named in section 1375 of the Code of Alabama. When the value of the estate is above one thousand dollars and does not exceed three thousand dollars, fifty per cent. of the fees and allowances named in said section. When the estate exceeds three thousand dollars and does not exceed five thousand dollars, seventy-five per cent. of said fees and allowances. And when the estate exceeds five thousand dollars then the fees and allowances shall be as now provided in said section 1375 of the Code, so far as the same relates to Dale county.

Sec. 2. Be it further enacted by the General Assembly of Alabama, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved December 14th, 1898.

No. 125)

AN ACT

H. 280

To amend Section 4003 of the Code.

Duty of tax
collector

Notice

Tuscaloosa
county

Section 1. Be it enacted by the General Assembly of Alabama, That Section 4003 of the Code of 1896 be amended so as to read as follows: "The tax collector shall attend at the voting place in each election precinct in the county, twice in each year, at least thirty days apart, from eight o'clock in the morning until four o'clock in the afternoon, for the purpose of collecting the taxes of such precinct; and of the time and purpose of such appointments he shall give at least thirty days' notice by publication in some newspaper, if one is published in the county, and by bills posted at five or more public places in each election precinct: Provided, That the tax collector for Tuscaloosa county shall be required to attend at the voting place in each election precinct in the county only once in each year, and that shall be between the fifteenth day of October and the first day of December, between the hours of 10 a. m. and 4 p. m. each day. At such appointments the collector shall receive from each tax payer of the precinct meeting

him thereat and tendering the same, the taxes and fees assessed and charged against him."

Approved December 14th, 1898.

No. 126)

AN ACT

(H. 411

To incorporate the town of Jemison, in the County of Chilton, State of Alabama, and to repeal all former charters for and acts incorporating said town.

Section 1. Be it enacted by the General Assembly of Alabama, That the Town of Jemison, in the County of Chilton, State of Alabama, be and the same is hereby incorporated, and the corporate limits of said town shall extend over the embraced section 23, in Township 23, north of Range 13, east. And the present and future inhabitants of said town shall be and constitute a body politic, incorporated under the name and style of the Town of Jemison, under and by which name and style the corporation may sue and be sued, plead and be impleaded, either in law or equity, and may purchase and hold with the right to sell or dispose personal and real property to the amount of five thousand dollars and do any and all acts incident to bodies corporate.

Sec. 2. Be it further enacted, That the government of said town shall be styled "The mayor and councilmen of Jemison," and shall consist of the mayor and four councilmen, each of whom shall be resident citizens of said town: Provided, That no person shall be eligible to hold either office of mayor or councilmen who has not been a bona fide citizen of said town for two years next preceding his election of either office, and the said mayor and councilmen shall hold their respective offices for one year from the date of the declaration of their election and until their successors are elected and qualified. Said officers to be elected by the qualified electors of the said town, who shall have resided within the corporate limits of the said town for six months next preceding said election, and are otherwise qualified electors under the State laws,

to vote in State and county elections, and that the said mayor and councilmen shall each before entering upon the discharge of the duties of their respective offices take and subscribe the oath prescribed by the State laws to be taken by persons elected under the State laws to office.

Election
managers

Sec. 3. Be it further enacted, That the first election shall be held on the second Monday in January, 1899, or as soon hereafter as practicable, after giving ten days' notice of the time and places of holding the said election by posting notices at the post-office and at the railroad depot in the said town by the managers hereafter named, and that Thomas Harrison, George W. Shaw, and I. N. Langston, residents of the said town, shall constitute a board of inspectors and managers of said election above required, and shall keep polls open from nine o'clock in the morning until not later than three o'clock in the evening of the said day, and in the event that one or more of said managers shall fail to attend and act as said manager on the said date of the said election, then the remaining manager or managers attending shall appoint managers to act in the place of those failing to attend and act, and the board of managers herein provided for shall have full power and authority, and it is made their duty to determine all questions and contests arising from the said election, and at said first election held under this act the board of inspectors and managers shall declare within five days after such election what persons are elected to the offices of mayor and councilmen, and shall issue certificates of election to such persons, and at all subsequent elections held in said town the sitting board of councilmen are to declare what persons are elected at the same, and are to be the judges before whom all matters of contests growing out of the same are triable.

Annual
elections

Sec. 4. Be it further enacted, That the regular election for the said offices shall be held annually on the second Monday in January, and shall be conducted by two or more qualified electors, to be appointed by the mayor and councilmen for that purpose, and the managers of said election shall make returns of said election to the sitting board of councilmen, but the corporation shall not be dissolved

should there be no election, as herein provided, but in such event the mayor, with the consent of the council, shall forthwith order an election to be held within twenty days hereafter.

Sec. 5. Be it further enacted, That the council of said town shall have power, and it shall be their duty, to elect a clerk, who shall be ex-officio treasurer of the said town, and a marshal, and to fix and approve the bonds of said clerk and marshal, and to fix and prescribe their duties, salaries and terms of office. Town officers

Sec. 6. Be it further enacted, That the mayor of said town shall have the same power and authority now vested by the laws of this State in a justice of the peace, so far as the same apply to the prosecutions of violations of the criminal statutes or laws, and that said power, jurisdiction and authority shall extend and embrace all violations and breaches of the ordinances, laws and regulations of said Town of Jemison, and he shall, as mayor, have the power and authority to try and convict, or acquit, fine and sentence, any person or persons violating the ordinances, laws or regulations of said town, according to the terms and conditions set out in said ordinances, laws or regulations: Provided, That the said mayor shall not have the power or authority to try and determine any civil cause or action as is now vested in justices of the peace; and provided, further, that he shall not have jurisdiction of any violations of the State laws, committed beyond the corporate limits of the said Town of Jemison. Power of Mayor

Sec. 7. Be it further enacted, That if a vacancy shall occur in the office of mayor or councilmen by death or otherwise, it shall be the duty of the councilmen, or remaining councilmen, to forthwith order an election to fill such vacancy or vacancies, and if the offices of clerk or marshal shall from any cause become vacant the councilmen shall fill said vacancy, and in the absence of the mayor or his hereby conferred upon each councilman in said town while acting as such mayor. And the clerk refusal to act, the same powers and authority are or marshal of said town may be suspended or removed from office at the wish of the council, and Vacancies

the council may elect or appoint such police force as may be necessary to enforce the ordinances of the said town, and to provide for their payment.

Duties of
Mayor

Sec. 8. Be it further enacted, That it shall be the duty of the mayor to attend and preside at the meetings of the council; to see that the laws and ordinances of the town are posted, as herein provided for; that all the laws and ordinances of the town are properly executed; to sign the minutes of all meetings of the council, when approved by him; and to try, and determine, and punish all ordinances, laws and regulations of the town according to the terms and conditions of the said laws, ordinances and regulations. And it shall be

Duties of
councilmen

the duty of the councilmen to, by ordinances, fix such other duties as may be required of the mayor, and to fix and prescribe the duties of the clerk, marshal, and such other officers as may be necessary to enforce and conduct the affairs of the town, and by ordinances to fix and define the laws and regulations of the town, and to provide for the punishment for their violation, and the councilmen acting for and in behalf of the said town shall have the power and authority to ordain, pass and adopt all such ordinances, laws, by-laws, and resolutions not in conflict with this act, nor the Constitution of the State of Alabama, as may be deemed necessary by them for the good government of said town, and for the purpose of enforcing the said ordinances, laws and regulations, may prescribe punishment by fine not exceeding one hundred dollars, and imprisonment in the town jail or hard labor for the said town for a term not exceeding sixty days, one or both. Provided, That appeals may be taken to the Circuit Court of Chilton county, in the same manner that appeals are now taken from Justice Courts to said Circuit Court.

Powers

Taxes

Sec. 9. Be it further enacted, That the councilmen of the said town shall have power and authority, by ordinances, to levy and collect taxes upon all property, real, personal and mixed in the said town, not exempt from taxation by the laws of the State, annually, not to exceed one-half of 1 per cent. on the value thereof and said taxes shall be levied and shall become due and payable, and collected under such

rules and regulations as may be prescribed by ordinances therefor, by the councilmen of the said town. And the town shall have a lien upon the property of the taxpayer for the amount of the taxes due, paramount and superior to all other liens and incumbrances, except the lien for State and county taxes. And said property may be sold for the payment of said taxes, and the cost incident thereto under such regulations as may be prescribed: Provided, That in case of the sale of real property that the time for redemption shall not be fixed at a less period than two years from the date of the sale.

Sec. 10. Be it further enacted, That all persons residing within the corporate limits of said town, and subject under the State laws to road duty shall be subject to, and are hereby required to work on public streets, roads, sidewalks, alleys or other public highways in said town, not exceeding ten days in any one year, under such ordinances as may therefor be provided by the council: Provided, prescribe, not exceeding five dollars in any one year. And the inhabitants are hereby exempt from all road duty, outside of the corporate limits of said town. That all such persons shall be exempt from such duty by paying such street tax as the council may prescribe, not exceeding five dollars in any one year. And the inhabitants are hereby exempt from all road duty, outside of the corporate limits of said town.

Sec. 11. Be it further enacted, That whenever an ordinance, resolution, law or regulation is adopted, passed or enacted by the council, the same, or a copy thereof, shall be posted at the postoffice in said town, or at such other public place in the said town as the council may prescribe and fix for a period of five days, after the expiration of which time the said ordinance, resolution, law or regulation shall be in full force and effect.

Sec. 12. Be it further enacted, That the marshal shall be entitled to such fees for services rendered as may be prescribed by the council, not to exceed the fees allowed the sheriff under State laws for like services, which said fees, when collected of defendant, shall be disposed of in such manner as may

be by the council prescribed, and the marshal shall have full power and authority to arrest with and without warrant within a distance of one mile beyond the corporate limits of said town, any person or persons who may have been guilty of or who may be charged with having within the corporate limits of said town violated any of the ordinances or regulations thereof. And the marshal may call upon and require the assistance of all persons to aid him in the discharge of his duties. And the fees allowed the marshal for services rendered shall be charged and taxed and collected as a part of the cost against the defendant, in whose prosecution the services were rendered.

Quorum

Sec. 13. Be it further enacted, That the majority of the councilmen qualified and holding office shall constitute a quorum, to do any and all business in behalf of the town.

Repeal

Sec. 14. Be it further enacted, That an act entitled "An act to establish a charter for the City of Jemison in Chilton county, Alabama," and approved January 31st, 1897, and that all other acts and parts of acts in conflict with the provisions of this act be, and the same are hereby repealed.

When act to
go in effect

Sec. 15. Be it further enacted, That the provisions of this act shall not go into effect until the second Monday in January, 1899.

Approved December 14th, 1898.

No. 128)

AN ACT

(H. 34

To authorize the Mayor and Aldermen of the City of Huntsville to issue bonds of said city to an amount not exceeding twenty thousand dollars.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and aldermen of the City of Huntsville be and they are hereby authorized to make and issue bonds of the said City of Huntsville to an amount not exceeding twenty thousand dollars, or so much thereof as the said mayor and aldermen of the City of Huntsville may deem necessary or expedient for the purposes here-

inafter expressed; the said bonds to be in denominations of not less than one hundred or more than one thousand dollars each, and payable to bearer not more than thirty years after the date of issuance. Said bonds shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, for which interest coupons payable to bearer shall be attached to said bonds. The principal and interest of the said bonds shall be made payable in gold coin of the present standard of weight and fineness, at some bank or banking house in the City of New York or in the City of Huntsville, Alabama, as the said mayor and aldermen of the City of Huntsville may determine.

Sec. 2. Be it further enacted, That the bonds issued under the authority conferred by this act shall be signed by the mayor of said City of Huntsville, and countersigned by the treasurer of said city, and the corporate seal of the said mayor and aldermen of the City of Huntsville shall be affixed or stamped thereon; and said bonds shall be numbered in the order in which they shall be issued, and the city clerk of said City of Huntsville shall keep a correct record and account of all bonds issued under the authority conferred by this act. Signed by

Sec. 3. Be it further enacted, That the mayor and aldermen of the City of Huntsville be and they are hereby authorized to negotiate and sell such bonds as shall be issued under the authority conferred by this act, but said bonds shall not be sold or disposed of for less than par, that is to say, one hundred cents on the dollar; and the proceeds of the sale of said bonds shall be paid to and kept by the treasurer of said city; to be used, disbursed and applied exclusively in repairing, improving, adding to, or extending the water works property, including the machinery, plant and system, of the City of Huntsville, except that the mayor and aldermen of the City of Huntsville are authorized to pay out of said proceeds into the funds of said city for building, repairing and constructing sewers an amount not exceeding the amount of the proceeds of the sale of the bonds issued under the authority of the act of the General Assembly of Alabama, approved February 3rd, 1897, entitled "an act to au- Sale of Use of proceeds

thorize the mayor and aldermen of the City of Huntsville to issue bonds of said city for an amount not exceeding forty thousand dollars for the exclusive purpose of building and repairing and constructing sewers," which may have been used and expended by the said mayor and aldermen, or under their authority, in repairing, improving, extending, or adding to the water works property of the City of Huntsville. The whole amount of bonds authorized by this act to be issued need not be sold or negotiated at one time, but the time of issuing, negotiating and selling the whole or any part of the amount of bonds by this act authorized shall be determined by the mayor and aldermen of the City of Huntsville.

Duties of
treasurer

Sec. 4. Be it further enacted, That the use, application and payment of the money realized from the sale or sales of the bonds authorized by this act to be issued, shall be under the direction of the mayor and aldermen of the City of Huntsville, and the treasurer of said city shall be responsible for the safe keeping of so much of said money as shall come into his custody in his official capacity, and shall not be allowed any compensation for receiving and disbursing said money.

Mortgage

Sec. 5. Be it further enacted, That to secure the payment of the principal and interest of the bonds issued under the authority conferred by this act, the mayor and aldermen of the City of Huntsville be and they are hereby authorized and empowered to pledge the water works property of the City of Huntsville or any part thereof.

Approved December 14th, 1898.

No. 129)

AN ACT

(H. 528

To prevent hogs, pigs, sheep and goats from running at large in certain portions of Colbert county and to provide for establishing certain districts in said county in which said stock may be prevented from running at large.

Section 1. Be it enacted by the General Assembly of Alabama, That thirty days after the passage of

this act no hogs, pigs, sheep or goats shall be allowed to run at large in Brickville, Alexanders, South Florence, Sheffield, Tuscumbia, Prides, Barton, Cherokee, Dickson, Spring Valley and Leighton beats north of the township line between Township 4 and 5, and in Leighton beat south of said township line and east of the range line between range 9 and 10 in Colbert county.

Section 2. Be it further enacted, That when any damage has been done to any property in any of said beats by hogs, pigs, sheeps or goats, running at large the party whose property has been damaged or his agent shall have the right to take possession of such stock if found at large or uncontrolled on the premises of such person, and when so taken up the person taking up such stock shall forthwith notify the owner of such stock if known to the taker up or his or her agent, or person in control of such stock. If the owner or person in control or agent shall fail or refuse within three days after such notice to satisfy the taker up for the damage done by such stock, said taker up may within ten days after such damage was done, make complaint against the owner of the stock or person or persons having them in charge to a justice of the peace or notary public, with powers of a justice of the peace in said beat in which said damage was done, describing the property damaged, the amount of such damage and the stock doing the damage, and whenever such complaint is made the justice of the peace or notary public with powers of a justice of the peace, shall issue notice to the owner or person in charge of such stock commanding him or them to appear and answer on a day, not less than five nor more than seven, from the issuance of said complaint, and if the owner of the stock or person in charge thereof, appears on the day he is commanded to appear and answer said complaint, such justice of the peace or notary public shall try such cause, ascertain the damage done by said stock, if any, and the reasonable cost of keeping the same, and render such judgment therein as the justice and equity of the case demands; but if the owner or person in charge of such stock does not appear and answer, the justice of the peace or notary public

Stock not to
run at large

Taking up
stock

Damages

Sale of stock

shall give judgment for the complainant for such damages as he may have sustained, and the reasonable expense of keeping the said stock, and, if judgment be rendered for the complainant the justice of the peace or notary public shall also render judgment condemning the stock doing the damage to be sold for the satisfaction of such judgment and the costs of the suit and the reasonable expense of keeping such stock, from the time it was taken up to the time of such sale, which judgment shall be a lien on such stock superior to all other liens, and shall issue execution on such judgment, commanding any constable of the county to levy on and sell such stock, describing them in the execution, for the satisfaction of such judgment, cost and expenses, and after such constable shall have given five days notice of the time, place and terms of sale, by posting three or more written notices in as many public places in said precinct, where the same shall be sold. Said lien on such stock shall attach and be superior to all other liens, as hereinbefore stated, for the damages and costs, whether the same was taken up or not.

Appeals

Sec. 3. Be it further enacted, That either party shall have the right to appeal to the Circuit Court or other Court of like jurisdiction from the decision of the justice of the peace or notary public, in such case upon giving bond in the amount fixed by said justice of the peace or notary public.

When owner
unknown

Sec. 4. Be it further enacted, That if the owner or agent or person in charge of the stock doing the damage is not known, or made known to the taker up, then he shall report the taking up and description of the stock to the nearest justice of the peace or notary public within three days after the taking up, and make an affidavit that the owner or person in charge is not known, and that he has not been able to ascertain the name of the owner or person in charge, and the affidavit shall also contain a short and brands thereon, if any, and that it was taken up on the premises of which the affiant was in possession or for which he was agent, and on the filing of such affidavit the same proceedings shall be had as in case of estray under the existing laws of the State, except that no bond shall be given as is now provided in such laws, but the taker up shall be

liable in damages for any wilful neglect or injurious treatment which may cause a loss of the stock so taken up.

Sec. 5. Be it further enacted, That the owner or manager of any stock who shall knowingly suffer said stock to run at large in violation of the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than one nor more than twenty-five dollars. Misdemeanor

Sec. 6. Be it further enacted, That when any stock mentioned in section 1 of this act, is found running at large in any of the beats mentioned in said section, whether the same be doing any damage or not, any person residing in the beat where said stock is found running at large may take up the same, and for taking, keeping and feeding the same, shall be entitled to the following fees per day: For the first day, 25 cents per head, and 10 cents per head for each day thereafter, and shall be entitled to retain possession of said stock until the same is paid: Provided, however, that no compensation shall be due to the taker up if he fails to notify the owner or person entitled to the custody or charge of said animal within three days after the taking up or leave a written notice at his place of residence. If the owner or person entitled to the custody or charge of such animal be unknown, then the taker-up shall proceed as provided in section 4 of this act. Fees

Sec. 7. Be it further enacted, That the owner or other person who takes from the possession of the taker-up any of the stock hereinbefore mentioned without the consent of such taker-up, and without paying the cost and damages as provided in this act, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than one nor more than twenty dollars. Misdemeanor

Sec. 8. Be it further enacted, That no suit instituted under section 2 of this act, which may be appealed to the Circuit Court, shall be dismissed on account of any defect in the papers or proceedings of the lower Court, and the Circuit Court shall try the case de novo without regard to any such defect. Trials in circuit court

Sec. 9. Be it further enacted, That whenever any

Establishing
stock dis-
tricts

ten land owners or free holders residing in any beat in said county not mentioned in section 1 of this act petition the Court of County Commissioners of said county in writing, stating that they desire an order to be made establishing a district in said beat where hogs, pigs, sheep and goats may not be permitted to run at large, describing such district and stating that petitioners reside in such district, said petition must be filed with the judge of probate of said county, and said judge of probate shall cause a notice of said application or petition to be posted in five public places in said district described in petition.

Duty of
county com-
missioners

Sec. 10. Be it further enacted, That said Court of County Commissioners must within thirty days after the filing of said petition hear the petitioners and any person that may be opposed to the granting of said petition, and if said Court is satisfied that a majority of the land owners or freeholders who own land in said proposed district, and who are over the age of twenty-one years, are in favor of said district being established, then said Commissioners Court must make an order granting said petition, and who shall describe in said order on the minutes of said Court the boundary lines of said district so established, said order to go into effect thirty days after it is made. If an order is made by said Court establishing a district in which hogs, pigs, sheep and goats are not permitted to run at large therein, then on and after the expiration of thirty days from the date of said order it shall not be lawful for hogs, pigs, sheep or goats to run at large in the district so established, and said district shall be governed and controlled by the provisions of this act as though the same had been included in the beats mentioned in section 1 thereof.

When not
liable for
cost of suit

Sec. 11. Be it further enacted, That should the owner, agent or person in charge of the stock doing the damage pay or tender to the party injured the amount of damages sustained by him before the commencement of the suit provided for in section 2, then said owner, agent or person in charge of said stock shall not be liable for the cost of any suit instituted against him or for any expenses of keeping such stock after such payment or tender.

Sec. 12. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed, as to the territory covered by this act. Repeal

Approved December 14th. 1898.

No. 130)

AN ACT

(H. 308)

To confirm the incorporation of the Town of New Decatur in the County of Morgan, and to enlarge and define the corporate powers of said town.

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the Town of New Decatur, in the County of Morgan, heretofore had in the Court of Probate of said county by proceedings had under the general law, be and the same as hereby ratified and confirmed, and the corporate existence of said town remains and continues, subject to the provisions of this act, and with all the powers herein and hereby conferred, in place of the powers conferred by the general law: Provided, That the following described property shall not be within the corporate limits of the said town, to-wit: That the property and territory west and north of the following boundary line of said town, or between said line and the north line of the right of way of the Memphis and Charleston Railroad, shall not be within the corporate limits of said town, to-wit: Beginning at the southwest corner of the yards of the South and North Alabama Railroad, about 150 feet northwestwardly from the cotton compress lot, thence southwestwardly about five blocks with the present south line of the lands of the Decatur Mineral and Land Company to the east side of Sixth avenue west; thence along the east side of said Sixth avenue west to the south side of Second street north, thence westwardly along the south side of said Second street north to the east or southeast side of the old Danville road, thence along the east or southeast side of the said old Danville road, to the point where it intersects the south boundary line of the corporate limits of

Incorporation
notified and
limits de-
fined

said town of New Decatur: Provided, further, that the corporate limits of said town shall not include any part of the territory north of the north line of the right of way of the Memphis and Charleston Railroad, nor that portion of the southeast fourth of section 30, township 5, range 4, west, which belongs to Mrs. Sallie Dancey; provided, that nothing in this act shall release or exempt any portion of the property or territory that was included in said town of New Decatur, under the act to which this is an amendment, from paying its proportionate part of any bonded indebtedness of said town now outstanding.

Jurisdiction

Sec. 2. Be it further enacted, That the provisions of this charter, and all ordinances passed in pursuance thereof, having for their object the punishment of offenses against "morality and decency" or against "public peace and order," or against the public health, and all provisions punishing burglary, larceny, embezzlement, obtaining goods or other things of value under false pretenses, knowingly bringing stolen property within the town, practicing a fraud, and other ordinances of a purely penal nature, shall have force and effect, and be operative in all that portion of Morgan county not now within the corporate limits of the Town of New Decatur, and lying within one mile thereof: Provided, however, that the provisions of this section shall not apply to that part of Morgan county now within the limits of the town of Decatur.

Elections,
officers and
their duties

Sec. 3. Be it further enact: 1. That there shall be elected by the qualified electors of said Town of New Decatur, the following officers, namely: A mayor and eight aldermen, in the manner hereinafter provided, and a town clerk and town marshal. 2. The next election of mayor and aldermen and clerk and marshal for said town shall be held on the first Tuesday in May, 1899. The term of office of the mayor elected under this act, shall commence at the expiration of the term of the present mayor of the Town of New Decatur, and shall continue for two years, and until his successor is duly elected and qualified; and biennially thereafter on the first Tuesday in May a mayor shall be elected, whose term of office shall commence at the

expiration of the term of his predecessor, and shall continue for a term of two years, and until his successor is duly elected and qualified. The term of office of four of said aldermen elected on first day of May, 1899, shall commence at the expiration of the term of the present councilors, namely: Aldermen Parker, Bunch, Lindsay and Murray, and shall continue for two years and until their successors are duly elected and qualified, and the term of office of the other four aldermen shall expire on May the first, 1900. The term of office of the clerk and marshal provided for under this act, to be elected on the first Tuesday in May, 1899, shall continue for two years thereafter and until their successors are elected and qualified. 3. No person shall be eligible to the office of mayor and aldermen, unless he shall be a qualified elector, nor shall he be directly or indirectly interested in any contract whatever to which the town is a party unless such contract is let publicly to the lowest bidder and awarded to him as such. 4. Said election shall be conducted according to the law governing elections for officers under the law of the State, except as declared in this act, and each elector shall have caused himself to be registered in the office of the clerk of the board in the manner hereinafter provided. The polls at such election shall be kept open from 9 a. m. until 5 p. m. 5. At such election there shall not be more than four polls, to be established by the mayor and aldermen, who shall designate the limits of each voting precinct, and of which ten days' notice shall be given by publication as of an election of said town; that it shall be the duty of the clerk of the board of said town to provide for the opening of said polls, and to give ten days' notice by publication in a newspaper of said town, if any published therein, and if no paper is published in said town, such notice shall be given by posting notices in three conspicuous places, of the time of holding said election of the several polling places, and names of inspectors of election of each precinct. The said board of New Decatur shall appoint the said inspectors, who shall perform the duties of the returning officers, and the inspectors for the election shall be appointed by the mayor and councilors of the Town

Election,
officers and
their duties

Election
officers and
their duties

of New Decatur. The number of said inspectors so appointed shall be three for each poll in said town, one of whom shall be a member of each political party, and said inspectors shall be duly qualified electors of said town, capable of reading and writing. 6. The inspectors of election in the several voting places shall conduct the election. Upon the receipt of any vote by the inspectors, they shall forthwith check off with ink the name of the person voting. The said inspectors shall immediately after the polls are closed, proceed to count the ballots and compare them with the poll list at their respective polls, and certify the result of the election in their respective precincts to the mayor and aldermen of said town. They shall enclose the ballots cast, with the poll lists, together with their certificates of the result in the box in which is placed the ballots received at such election, and after carefully sealing the same, deliver said box with its contents to the mayor of said town, who shall give the said inspectors his receipt for said box, stating in said receipt the condition of said box when received by him. The said mayor and aldermen of said town, or a majority of them, shall, immediately after the delivery of the ballot boxes, and poll lists of the respective voting places, as hereinbefore required, to said mayor, proceed to open the said boxes, and within three days, by a count of the votes and comparison thereof with the poll lists, and returns of the inspectors at the several polls, and declare the election to their respective offices of the persons who shall have received the largest number of legal votes for the respective offices to be filled at said election, and shall give certificates of election to their respective offices to the persons so found to be elected. The said certificates of election so issued by the said mayor and aldermen, or a majority of them, shall entitle the person so certified to the possession of the respective offices, immediately upon the expiration of the term of office of their predecessors, as fixed by this charter, subject, however, to contestation of their rights. During such contestation, and until decision by the tribunal having jurisdiction of such contests, the official acts of such certified officers about the business of their respective offices,

shall be good and valid in law. The election of persons declared elected to any office herein provided for, which may be filled by a vote of the qualified electors of said Town of New Decatur, may be contested by any qualified elector for any one or more of the causes mentioned in section 1667 of Revised Code of 1896, such contests to be tried by the judge of probate of Morgan county in accordance with the provisions of article 15, chapter 40, Revised Code of 1896, or any amendment thereof: Provided, however, that said elector so contesting, shall within ten days after such person is declared duly elected, present a statement of the grounds of contest verified by affidavit as required by section 1672 and 1673 of Revised Code of 1896, to the judge of probate of Morgan county.

Sec. 4. Be it further enacted: 1. That every officer of the town and his assistants shall, before entering upon the duties of such office, take and subscribe before some person qualified to administer oaths, the following oath or affirmation: "I, ———, do solemnly swear (or affirm) that I will support the constitution of the United States, and of the State of Alabama, and the charter and ordinances of the Town of New Decatur, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability." Which oath, or affirmation, so subscribed, shall be filed in the office of the clerk of the board, and all such officers except the mayor and aldermen, shall, before entering upon the duties of their respective offices, execute a bond with security, to be approved by the board, payable to the town, in such penal sum as may, by resolution or ordinance be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer according to law and the ordinances of said town; provided, however, that the treasurer's bond shall not be fixed at a less sum than the amount of the estimated tax and special assessments for the current year, which bond shall be recorded in the office of the judge of probate of Morgan county, on payment of the fee therefor, and it shall be the duty of the mayor to have such bonds so recorded. If any person elected or appointed to an

Oath of office

office shall fail for five days after such election or appointment, to take and subscribe such oath or affirmation, or give and file bond, as required by this section, his office shall be deemed vacant, and on such failure being certified to the board by its clerks, the board shall proceed at once to fill such vacancy. For any breach of the conditions of the said bond, suit may be instituted thereon by the town, or by any person, first securing the town against cost, in the name of the town of New Decatur, for the use of such person. 2. All officers appointed under this act, shall be commissioned by warrant under the corporate seal, and signed by the clerk and mayor of said town. 3. All officers appointed under this act shall have the qualification of electors of said town. 4. It shall be the duty of the clerk to keep the corporate seal; to attend all meetings of the board; to enter in the minute book a full and faithful record of its proceedings. He shall issue and cause to be served upon the aldermen notices of all special meetings of the board, to give notice to all persons whose attendance may be required before the board, or any committee thereof, when so directed; shall keep in a book, to be kept for that purpose, a record of all ordinances passed by the board, and at the foot of the record of each ordinance so required, shall make a memorandum of the date of passage and page of the minute book on which it appears, and of the publication or posting of such ordinance, which record or memorandum, or a certified copy thereof, shall be prima facie evidence of the passage and legal publication or printing of such ordinance for all purposes whatsoever. He shall draw his warrant upon the town treasurer in such form as shall be from time to time prescribed by the board for all moneys appropriated or ordered to be paid by said board. He shall prepare all commissions, licenses, permits and other official documents required to be issued by him under the laws and ordinances of said town. He shall be the clerk of the police magistrate, and shall have power to administer oaths and affirmations upon all lawful occasions, and perform such other duties as the board shall by ordinance prescribe. 5. The treasurer shall be the custodian of

all moneys belonging to the town, and shall deposit the same in such bank as the board may direct; shall keep a faithful and true account of the same, and pay them out in such manner and under such regulations as the board may direct, and shall make an annual report, and oftener if required, to the board, relating to the finances of the town; and shall perform such other duties as the board shall, by ordinance, prescribe. 6. The powers and duties of all elective and appointive officers in said town shall be prescribed by ordinance, and not inconsistent with the provisions of this charter. 7. The mayor, clerk, treasurer, marshal, health officer, fire marshal, and all other officers, shall make a report at the end of each fiscal year to the board, and at such other times as they may direct.

Sec. 5. Be it further enacted: 1. The mayor shall be the chief executive officer of the town, and shall perform all such duties as are or may be prescribed by law or by the town ordinances, and shall take care that the laws and ordinances are faithfully executed. 2. The mayor shall, from time to time, lay before the board a full statement of the condition of the affairs of the town, and shall recommend for their consideration such measures as he may deem expedient. 3. The mayor shall have the power at all times to examine and inspect the books, records and papers of any agent, employee or officer of the town. 4. He shall have the power and jurisdiction of a justice of the peace in all matters, civil or criminal, arising within the corporate jurisdiction. 5. He shall be the police magistrate of said town, and may impose the penalties prescribed by ordinances, or by this act, for the violation of the ordinances and by-laws of said town. 6. He shall have the power to remove the clerk of the board and treasurer, or any officer elected by the board, or the town clerk, or town marshal, who may be elected by the people, whenever he shall be of the opinion that the interests of the town demands such removal, but he shall report the reason for such removal to the board at a meeting to be held not less than five days nor more than ten days after such removal, and if the mayor shall fail or refuse to file with said clerk a statement of the reasons for such

Mayor

removal, or if the board, by a two-third vote of all its members elected, by yeas and nays, to be entered upon the record, disapprove such removal, such officer shall thereupon become restored to the office from which he was removed. 7. He shall make proclamations whenever he shall deem it necessary for the public health, or whenever instructed by the board, in order to prevent contagious or infectious diseases from being introduced into the town, prohibiting all persons and goods from infected localities from entering said town, and under ordinance to be adopted for that purpose, shall have power to offer rewards for the detection and punishment of all violations of such proclamations. 8. He shall make proclamations whenever it shall be deemed necessary for the public peace and order of the town, prohibiting riotous and disorderly assemblies, or closing saloons and public places of amusement. 9. He shall have power, when necessary, to call on all male inhabitants of the town over the age of eighteen years to aid in enforcing the laws and ordinances. 10. He may release any person imprisoned for violating any town ordinance, and remit the fine therefor, but he shall report such release, with the cause thereof, to the board at its first session thereafter. 11. If the mayor and aldermen or other town officer at any time during the term of his office, shall remove from the limits of the town, his office shall thereby become vacant.

The aldermen

Sec. 6. Be it further enacted, That the board shall consist of the mayor and eight aldermen. 2. The board shall be the judge of the elections, returns and qualifications of its own members, and a majority of such board shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. 3. The mayor shall be ex-officio president of the board, but shall have no vote except in election of officers, and when in consideration or passage of resolutions or ordinances the board be equally divided, and in the absence or inability of the mayor to serve, the board may elect a mayor pro tem. from their number, who, during such absence or disability, shall

possess the powers of the mayor, but shall not lose his right to voting as an alderman. 4. The board shall keep a record of its proceedings, and sit with open doors. 5. The yeas and nays shall be taken upon the passage of all ordinances or propositions to create any liability against the town, or for the expenditure or appropriation of its moneys, and in all other cases, at the request of any member. 6. The board shall determine its own rules of proceedings, punish its members for malconduct or disorderly behavior, and with the concurrence of two-thirds of the board, may expel a member; provided, that any alderman who shall have been convicted of bribery, perjury or other infamous crime shall thereby be deemed to have vacated his office. 7. The board shall prescribe, by ordinance, the times and places of the meetings thereof, and the manner in which special meetings thereof may be called. 8. All ordinances or resolutions passed by the board shall take effect and be in full force from and after the passage, by posting a copy thereof in a conspicuous place in the mayor's office. 9. In case of death, resignation, removal or inability of the mayor, clerk, treasurer, or any alderman, the board shall fill such vacancy. 10. The board shall elect a treasurer, a jailer, and health officer and a town attorney, and may elect a fire marshal, superintendent of streets, town engineer and such other officers as the board may establish by ordinance.

The
Aldermen

Sec. 7. Be it further enacted, That the board shall have the following powers: 1. To control the finances and property of the corporation. 2. To appropriate money for corporate purposes only, and provide for the payment of the debts and expenses of the corporation. 3. To levy and collect taxes for general and special purposes on real and personal property. 4. To license all business and trades not prohibited by the constitution and laws of the State of Alabama, to fix the amount, terms and manner of issuing or revoking such licenses, and to provide a penalty for the doing of business without a license. 5. To license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public scales, money changers, brokers, second-hand and junk stores. 6. To license and regulate ferries and

Powers of
board

Powers of
board

to prescribe their compensation. 7. To license, regulate and restrain hawkers, pedlers, pawnbrokers, itinerant vendors, keepers of ordinaries, theatricals and other exhibitions, shows and amusements, and revoke such license at pleasure. 8. To license, regulate and restrain street cars, hackmen, draymen, omnibus drivers, carters, cabmen, porters, runners for stages, cars and public houses, expressmen and others pursuing like occupations, and to prescribe their compensation. 9. To license, regulate, restrain and prohibit billiards, bagatelles, pigeonhole or any other tables or implements used for a similar purpose in any place of public resort, pin alleys and ball alleys. 10. To license, regulate and restrain the selling or giving away of any spirituous, vinous or malt liquors, the license not to extend beyond the fiscal year in which it shall be granted, to fix the license for, and to limit the number of licenses to be granted: Provided. That permits may be granted to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeiture under such regulations as may be provided by ordinance. 11. To license and regulate wharf boats, tugs and other boats used within such pulice jurisdiction, and to fix the rate of wharfage. 12. To revoke all licenses under such restrictions and regulations as may be provided by ordinance. 13. To close houses and places for the sale of intoxicating liquors when the public safety and peace may require. 14. To forbid and punish the selling or giving away of any spirituous, vinous or malt liquors to any minor, habitual drunkard or intoxicated person. 15. To prohibit and suppress houses of prostitution and disorderly houses; and also to suppress gaming and gambling houses, lotteries and all fraudulent devices and practices for the purpose of gaining or obtaining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations, and to prohibit or suppress all public masquerades, exhibitions and amusements which violate public gaming or obtaining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations, and to prohibit or suppress all public masquerades, exhibitions and amusements which violate public

morals and decency. 16. To assess, levy and collect annually a tax for general and special purposes on real and personal property not exceeding one-half of one per cent. on the value thereof, as assessed for State taxation during the preceding year. 17. To levy and collect annually a street tax of not exceeding two and 50-100 dollars on each adult male inhabitant, who has resided in said city thirty days next preceding such levy. 18. To establish, open, alter, vacate, widen, extend, grade, cut down, fill in, and pave or otherwise improve all streets, avenues, sidewalks, alleys, wharves, public grounds, and squares, and provide for the payment of the costs and expenses thereof in a manner not inconsistent with the provisions of this act. 19. To plant trees upon the same. 20. To regulate the use of the same. 21. To prevent and remove obstructions and encroachments upon the same. 22. To provide for the cleaning of the same. 23. To regulate the openings therein for the laying of gas or water mains and pipes and the building and repairing of sewers, culverts and drains, and erecting gas and electric lights, telegraph and telephone poles and wires, subject, however, to the reservations in the dedication of any streets, alleys or avenues, wharves or public grounds. 24. To regulate the use of sidewalks and all structures thereunder, and to require the owner or occupant of any premises to keep the sidewalk in front of or along the same free from obstruction. 25. To compel the owner or tenant of any premises to keep the sidewalks in front of or along such premises clean and in repair; and to prescribe the kind of pavement to be laid, and to compel the laying of such pavement along such sidewalk. 26. To regulate and to prevent the throwing or depositing of ashes, dirt, garbage, or any offensive matter in, and to prevent injury to any street, avenue, alley or public grounds. 27. To provide for and regulate crosswalks, curbs and gutters. 28. To prevent and regulate the use of streets, sidewalks and public grounds for signs, sign posts, awnings, awning posts, horse troughs, racks, posting handbills and advertisements. 29. To regulate

Powers of
 board

Powers of
board

traffic and sales upon the streets, sidewalks and public places. 30. To regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the corporation. 31. To regulate the number of houses, and to change the name of any street, avenue, alley or other public place. 32. To require railroad companies to keep flagmen at railroad crossings of streets, and to provide protection against injury to persons or property in the use of such railroads, and to compel and require railroad companies to make and keep open and keep in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded; and to regulate and restrain the blocking up of streets or avenues or the impeding of travel thereon by any railroad company. 33. To construct and keep in repair, bridges and viaducts, and to regulate the use thereof. 34. To construct and keep in repair culverts, drains, sewers, and cesspools, and regulate the use thereof. 35. To widen, deepen, cover, wall, alter or change the channel of creeks. 36. To erect and keep in repair landing places and wharves. 37. To regulate and control the use of public and private landing places and wharves. 38. To control and regulate the anchorage, moorage and landing of all water crafts and their cargoes, within the jurisdiction of the corporation. 39. To collect wharfage from all boats, rafts, or other crafts landing or using any public landing place or wharf within the jurisdiction of the corporation. 40. To provide for draining or filling up of ponds on private property whenever necessary to prevent or abate nuisances, and to cause the same to be done at cost of the owner. 41. To prevent infectious and contagious diseases from being introduced into said town; to ordain all regulations necessary for an effective quarantine, and to enforce the same within five miles of the corporate limits of said town; provided, however, that this power has no application to the territory occupied by or north of the Town of New De-

cat. 42. To maintain cleanliness and health of the town, and provide for the inspection and cleanliness of all places likely to be or become detriment to health, and to adopt such ordinances and regulations as shall be deemed necessary or expedient to protect health and prevent the spread of disease, and to maintain a good sanitary condition in the streets, public places and private premises of said town. 43. To suppress all nuisances at the expense of the person causing the same, or upon whose premises it is found, on private or public property, and may enter upon private property for the purpose. 44. To prescribe the manner in which drainage from private premises may be disposed of, to provide the manner in which water closets and sinks shall be constructed, to discontinue and forbid the use of sinks, pits, dry wells, and the like; to regulate and compel connection of private and public premises with the sewer system of said town, and to regulate said connection as they may deem best for the health of said town. 45. To control, regulate and prohibit slaughter houses within the police jurisdiction of the town, and to provide for the weighing and herding outside of said town of all live stock intended for slaughter and to prohibit the same from being driven through the streets of said town. 46. To prevent the sale of adulterated or decayed food and adulterated drinks. 47. To regulate restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs. 48. To direct the location and regulate the use and construction of breweries, distilleries, livery stables and tanneries. 49. To prohibit any offensive or unwholesome business or establishment within the police jurisdiction. 50. To compel the owner of any grocery, cellar, tannery, stable, pig sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, and to regulate the location thereof. 51. To establish and regulate cemeteries within or without the corporation, and acquire lands therefor by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within the

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corporation. 52. To erect, establish and maintain hospitals, medical dispensaries, poorhouses and infirmaries, and control and regulate the same. 53. To erect and establish markets and market houses, and provide for the use and regulation thereof. 54. To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard and vegetables. 55. To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard and vegetables. 55. To provide for the inspection and sealing of weights and measures, and enforce the keeping and use of proper weights and measures by vendors. 56. To provide for the inspection and condemnation of steam boilers. 57. To provide for the erection and care of all public buildings necessary for the use of the town. 58. To provide for the taking of the census of the town, but no town census shall be taken by authority of the board of aldermen oftener than once in three years. 59. To exercise the right of eminent domain for public purposes in the manner prescribed by the Constitution and laws of the State of Alabama. 60. To regulate places of amusement and public entertainments. 61. To determine the limits within which wooden buildings shall not be erected, and to prevent the reconstruction in wood of old buildings within such limits, and to condemn buildings and parts thereof which are dangerous and insecure. 62. To organize and to maintain free public schools. 63. To establish or purchase and maintain water works, or contract for the furnishing of water for fully supplying the town and its inhabitants with wholesome water, and to regulate the manner and rates of furnishing water to private consumers. 64. To establish or purchase and maintain gas and electric works, or contract for the furnishing of gas for light, fuel, or electricity for light or power, for fully supplying the town and its inhabitants, and to regulate the manner and rates of furnishing gas and electric lights to private consumers. 65. To establish and erect jails, houses of correction and workhouses for the reformation and confinement of vagrants, idle and disorderly persons, and person convicted of

violating any city ordinance; to make rules and regulations for the government of the same. 66. To establish and maintain a fire department and to regulate the same. 67. To erect engine houses and provide for fire engines, hose carts, hooks and ladders, and other implements for prevention and extinguishment of fires. 68. To prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous; to regulate and prevent the carrying on of manufactories dangerous in causing and producing fires; to prevent the depositing of ashes in unsafe places, and to cause all such buildings and enclosures as may be in a dangerous state to be put in a safe condition, and to prescribe and compel the construction of fire escapes. 69. To regulate and prevent the storage of gun powder, tar, pitch, rosin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum, or any of the products thereof, and other combustible and explosive materials, and the use of lights in stables, shops and other places, and the building of bonfires; also to restrain and regulate the use of fireworks, firecrackers, torpedoes, roman candles, sky-rockets, and other pyrotechnic displays. 70. To pass ordinances, for securing the safety of persons from fire in halls and buildings let or used for public assemblies and for entertainments and amusements. 71. To regulate the police of the town, and to restrain and prohibit disorderly conduct and breaches of peace. 72. To prevent and suppress riots, routs, affrays, noises, disturbances and disorderly assemblies in any public or private place. 74. To prohibit and prevent cruelty to animals. 75. To restrain and punish vagrants, mendicants and prostitutes. 76. To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets, or on the sidewalks, or to frighten teams and horses. 77. To prohibit and restrain gaming and the keeping

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of gaming houses, to authorize the police, keeping of gaming houses, to authorize the police, on affidavit being made by any reputable person that he has good cause to believe, and does believe, that any house, or part of a house, in said town is being kept for the purpose of carrying on gambling therein, to break into and enter such house or part thereof, upon the refusal of the owner or occupant thereof to open the same, and to seize all gambling instruments therein, and to arrest all persons found therein. 78. To impound and forfeit domestic animals found on the streets contrary to town ordinances. 79. To pass ordinances for the punishment of all persons who in any manner obstruct any police officer or patrolman in the lawful performance of any of his duties in the police jurisdiction of said town, or in the arrest of any person within the police jurisdiction of said town, and for the punishment of all persons who, when called upon by any of the town officers to aid in the arrest of any person in the police jurisdiction of said town, shall refuse to render assistance as required, and, in all cases where any person is so called on to aid such officer or patrolman as required, such person shall not be liable to indictment or punishment in the Courts of this State therefor, nor to punishment by the police magistrate of said town, nor shall he be liable to any damage in any civil action therefor, provided he does no more than is reasonably necessary to effect said arrest. 80. To authorize the chief of police, and such other officers of the police force as it may designate, to administer oaths and issue warrants for the arrest of offenders against the law of the State or by-laws and ordinances of the Town of New Decatur, returnable before the police magistrate of said town. 81. To pass by-laws and ordinances for assessing property adjacent to any street, avenue or alley, for the purpose of opening, widening, grading, macadamizing, paving and curbing the streets and avenues of said town, the paving of sidewalks and the construction and laying of sewers and drains. 82. To expel any of its members for official misconduct by vote of two-thirds of all the mem-

bers elected to the board, the mayor to have a vote therein, the vote being taken by yeas and nays, and spread upon the minutes, five days' notice and an opportunity of being heard in his own defense having been previously given said member, with a copy of the charge against him, but an appeal may be had from any such judgment of expulsion to the Circuit Court of Morgan county, upon the accused entering into bond, payable to the board, with such security and in such amount, not exceeding two hundred dollars, and with such conditions as may be approved by the board: provided, that such appeal is taken within thirty days after such judgment is rendered, and the cause upon such appeal shall be tried de novo. 83. To provide by ordinance, that all paper, printing, stationery, blanks, fuel and all other supplies needed for the use of the town, and all work for local improvements shall be furnished and done by contract, to be let to the lowest responsible bidder. 84. To grant the use of any right to lay down railroad tracks in the streets of said town, and regulate the use of same, and to compel the owners thereof to pave and keep in repair that part of the streets, bridges and crossings over which their cars run, and to the extent of twelve inches on the outside thereof, subject, however, to the reservations in the dedications of such streets. 85. To pass all ordinances, rules, and make all regulations proper or necessary to carry into effect the powers granted herein, with such fines and penalties as the board shall deem proper; provided, no fine or penalty shall exceed one hundred dollars, and no sentence to imprisonment shall exceed six months. 86. To provide for the revision of the general ordinances of the town at least once in every five years. 87. To fix all salaries and fees of the officers of the said town. 88. To summons witnesses and compel their attendance, and administer oath by the president or chairman, compel witnesses to testify and produce books and papers in all matters relevant to the government of the town, and the power and jurisdiction hereby conferred, and may punish them by imprisonment not exceeding ten days for

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failure to attend or refusal to testify or produce books and papers, but an appeal from any such order shall lie to the Circuit Court of Morgan county. S9. To arrest fugitives from justice.

Ordinances

Sec. 8. Be it further enacted: 1. The style of the ordinances of said town shall be: "Be it ordained by the board of the Town of New Decatur." 2. All ordinances and the date of publication thereof may be proven by certificate of the clerk of the board under the seal of the corporation, and when printed in book or pamphlet form and purporting to be published by authority of the board, the same need not be otherwise published, and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinance, as of the dates mentioned in such book or pamphlet, in all Courts and places without further proof. 3. All actions brought to recover any fine, or to enforce any penalty under any ordinance in said town, shall be brought in the name of the Town of "New Decatur" as plaintiff. 4. All fines and forfeitures for violation of ordinances, when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation at such times and in such manner as may be prescribed by ordinance. 5. In all actions for the violation of any ordinance the first process shall be a warrant for the arrest of the offender upon oath being made before the proper officer that an offense in violation of an ordinance of the town has been committed, and accusing such person thereof, and any person arrested upon such warrant shall, without unnecessary delay, be taken before the police magistrate to be tried for the offense. Any person upon whom any fine or penalty shall be imposed, may, upon the order of the magistrate, be committed to the county jail, town prison, workhouse or other place provided by the town for the incarceration of offenders until such fine, penalty and costs are fully paid. The board of aldermen shall have power to provide, by ordinance, that every person so committed shall be required to work for the corporation at such labor as his or her strength will permit, within and with-

out such prison, workhouse, house of correction, or other place provided for the incarceration of such offenders, not exceeding one dollar for each day's service, exclusive of board; that no female must be punished by subjecting her to work on the streets. 6. Any constable or sheriff of the County of Morgan may serve any process, or make any arrests authorized to be made by any town officer.

Sec. 9. Be it further enacted: 1. That the mayor and aldermen may levy and collect each year, upon Taxes all real and personal property and all subjects of State taxation within said town, except the tax levied as a street tax, a tax not exceeding one-half of one per centum of the value of such property, or subject of taxation, as assessed for State taxation during the year preceding that for which said mayor and aldermen may assess and lay the tax above provided for; and there shall be no exemptions from taxation. 2. The taxable property of each taxpayer, and the subject of taxation on which he is taxable, and the amount or value of each item thereof, as valued by the assessor of Morgan county for the current year mentioned in paragraph 1, shall be ascertained and fixed by the aforesaid tax assessor's book of such year made by him under the requirements of the laws of Alabama, and any supplemental assessment that may have been made by him for such year, all corrected as provided in Section 3979, Code of Alabama. 3. Said mayor and aldermen shall cause a copy of such tax assessor's books, corrected as aforesaid for said current year, to be made and entered in a bound book properly prepared for that purpose; but when the property or subjects have changed owners since said assessments were made on it by said tax assessor, said copy shall be so corrected as to show its true owner at the commencement of the year for which the tax provided in this act is to be paid, and so as to show against whom the tax on each is laid. If the property has since such assessment been destroyed, or greatly damaged by fire or other cause, this also shall be noted, with the estimated amount of damage. 4. As soon as the book provided for in the preceding paragraph is made

Taxes

and corrected, it shall be filed with the clerk of said board, where it shall remain for twenty days open to public inspection; and notice of that fact shall be immediately given by said clerk, by the publication of a notice to that effect for ten consecutive days in some newspaper published in the said Town of New Decatur, or by posting the same in three conspicuous places in said town. Any person in said book as the owner of any property or subject of taxation which he was not the owner of on the first day of January of the year for which the tax therein provided for is to be laid, shall, within said twenty days, file with the said clerk his affidavit to that effect, and if he knows who the owner is, shall state the fact, or that he does not know. Any taxpayer who may file objections as to the correctness of said book as a copy of the aforesaid books of tax assessor of Morgan county, designating wherein such copy does him injury. Upon notice by the clerk that such objections have been filed, said mayor and aldermen shall meet and hear and determine all such objections and correct said book accordingly, and their decision on such objections, and as to all corrections to be made, shall be final. Said board may also, of their own motion, correct any error of ownership as aforesaid, but in no event shall it change such valuation, except in cases of deterioration provided for in the preceding paragraph. Said mayor and aldermen shall continue its sessions from day to day, until all objections so filed are disposed of, and no longer. 5. A majority of the board of mayor and aldermen shall be a quorum for the transaction of all business, and as soon as possible after the lapse of said twenty days, said board shall lay and levy for the current year the tax authorized by this act on all the property and subjects of taxation so listed and valued in the book mentioned in paragraph 3 of this act, corrected as aforesaid. 6. The taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for said taxes the said Town of New Decatur shall have a preferred lien over all incumbrances and securities whatso-

ever, except county and State taxes, and all taxes assessed against the property of any person or persons under this act, or for which such persons may become liable for the current year, shall be a lien upon the real and personal estate of such persons within said Town of New Decatur from the first day of January of that year, or if brought into the town after that time, the lien shall attach from the time it is brought in. 7. After the taxes shall be fixed and levied, the mayor of said town shall certify the same at the end of said tax book, and append thereto his warrant, directed to the person authorized to collect taxes for said Town of New Decatur authorizing and commanding such officer to collect the taxes so levied, and shall deliver said tax book and warrant to said person so empowered to collect taxes for the Town of New Decatur, and said collector of taxes shall thereupon forthwith notify the public by advertisement for thirty days in some newspaper published in New Decatur, or by posting notices in conspicuous places, that he is ready to receive payment of the taxes so levied. 8. After thirty days have elapsed from the first publication of such notice, the said collector of taxes, or his deputy, shall make personal demand upon delinquent taxpayers, wherever they may be found, for the amount of their taxes and costs; whenever unable to find them, shall leave a written or printed notice at the place of residence of such taxpayers, requiring them to come forward and pay such taxes and costs immediately, and for giving such notice the tax collector shall collect fifty cents, and it shall be the duty of such delinquents forthwith to make payment of their taxes and fees to the collector of taxes at his office, but no demand or notice shall be necessary to tax payers who are non-residents of said town. 9. The collector of said tax shall be charged with and accountable for the whole amount of the taxes assessed for the year, and can only be discharged from such accountability by showing that the amounts unpaid could not have been collected by the exercise of the means given him. 10. All taxes laid under this act, which are not paid at the end of

Taxes

Abatement
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ninety days, from the first publication of the notice required in this act, shall be in arrears and delinquent from that date. Upon all taxes paid in advance of such date, an abatement shall be allowed of one-half of one per centum per month on the amount of such tax, for each and every month so paid in advance, and upon all delinquents and unpaid taxes on the aforesaid date, a penalty of one-half of one per centum per month on the amount thereof, on the first day of each month, subsequent to such date, to all of such taxes as may then remain delinquent and unpaid to be collected as said taxes are authorized to be collected. 11. After the expiration of ninety days from the first publication of the tax collector's notice aforesaid, the tax collector may levy upon and seize any personal property, if any there be, and if there be none, or not sufficient personal property, then upon the real estate of said delinquent tax payer; provided, that a failure to levy on and sell any personal property for taxes shall not vitiate the sale of real estate of any such delinquent taxpayer and the cost of such sale, and no personal property so sold for taxes shall be subject to redemption. But when real estate is levied on, notice of the sale shall be given ten days before the day of sale in some newspaper published in New Decatur, or by posting notices thereof in conspicuous places. The land may be described by such numbers and abbreviations as will clearly indicate the property to be sold. Sale shall be at the mayor's office, or some other public place in said town, to commence on the day indicated in the notice, and sale may be continued from day to day until completed. 12. At all sales by the tax collector of property for taxes, he shall attend and bid off for the town of New Decatur, as purchaser, all the lots and lands on which the tax collector cannot get a bid from other persons, for the taxes and expense of the sale, and the Town of New Decatur shall have a certificate of purchase, and be vested with all the titles to the property so bought in, subject to redemption, hereinafter provided. When any real property shall be sold by the tax collector for the non-payment of

taxes, he shall give the purchaser at such a sale a certificate to the following effect: I, ———, tax collector of the Town of New Decatur, do hereby certify that the town taxes for the year 18— (or the particular tax or assessment as the case may be), amounting in all to ——— dollars, being due and unpaid by (A. B.), the owner or agent therefor, I have this day sold for the payment of taxes due by said (A. B.), and for collection for costs of levy and sale to (C. D.), who has paid the amount of taxes due as above, the following piece, parcel or lot of land, lying in the Town of New Decatur, and bounded and described as follows: (insert description). By virtue of the powers given me by law, I hereby authorize said (C. D.) to have and to hold the above described lands and tenements, until the same shall be redeemed according to law. In witness whereof I have hereunto set my hand and affixed the seal of this corporation, this — day of ———, 18—, ———, tax collector. Any real property sold under the provisions of this act may be redeemed by the owner or any person interested herein, within two years after said sale, by paying to the Town of New Decatur the amount of purchase money, all subsequent taxes and costs that may have been paid by the purchaser, and interest at the rate of fifteen per cent. per annum, and thereon shall receive a certificate of redemption therefor. It shall be the duty of the town tax collector to keep in his office, in a book provided for that purpose, and conveniently indexed, a record of all certificates of purchase issued by such tax collector, and when real estate shall be redeemed as herein provided, it shall be such tax collector's duty to note such redemption on such record, and when the purchaser or his assignee, shall demand the money paid on such redemption, he shall pay the same to him upon the surrender of the certificate of purchase; and upon his failure to do so, said tax collector and his bondsmen shall be responsible to the person entitled to such redemption money. Said tax collector shall give to the person redeeming any real property a certificate of redemption, signed by him, setting forth the facts of the sale

Abatement
etc.

Abatement
etc.

substantially as contained in the certificates of sale, the date of redemption, amount paid, and by whom redeemed, and such certificate shall be prima facie evidence of the facts therein stated. Said tax collector shall make such report of redemption as said corporate authorities may require. After the expiration of two years from date of sale, the tax collector then in office, shall, upon application of holders of certificates of purchase, make out a deed to each lot or parcel of real property, sold and unredeemed, and deliver the same to purchaser or his assignee, upon return of certificate of purchase, payment of all subsequent taxes on the property and one dollar for the deed; but any number of parcels of real property for which one person may hold purchase certificates, may be included in one deed, as may be desired by purchaser. Such deed shall be signed by the tax collector in his official capacity, and acknowledged by him before some officer authorized to take acknowledgements, and when thus executed and recorded, shall vest in grantee all rights, title and estate of former owner, free from all encumbrances made or suffered by them (except State and county taxes.) Such deed shall be prima facie evidence in all Courts of this State, in all controversies and suits, in relation to the rights of the grantee therein, to the land conveyed, or the facts recited in such deeds of regularity, of all proceedings in assessment and sale of said property required by this act, and of the title of the grantee, his heirs and assigns. 13. Should said corporate authorities require other means of collecting the taxes herein authorized, they may, by ordinance, adopt or substitute for any of the foregoing, provisions contained in part 1, title 7, Code of Alabama, or any part of such provisions for the collection of such taxes, by the Town of New Decatur, so far as the same will apply, and shall have same right to sell property and make title to property sold for taxes, as is provided for collecting State and county taxes; and said corporate authorities, in adopting such provisions shall, by adopting ordinances, declare which of such provisions they adopt, and in such ordinance they may change the provisions so far as to substitute

its tax collector for that of the State and county, and so as to adopt the provisions relative to State and county taxes to the collection of the taxes herein authorized, and the mayor and aldermen shall have power to collect all taxes and all fines by execution, levy and sale, and from such execution no property shall be exempt; provided, that this mode of collection shall not prevent collection of such in any other manner herein provided.

Sec. 10. Be it further enacted, That the passage of this act shall in nowise affect the validity of any by-law or ordinance heretofore enacted by the municipal authorities of the Town of New Decatur, but the same are in full force and effect, wherever they are not in conflict with the general laws of the State.

Does not affect ordinance not in conflict

Sec. 11. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, are hereby repealed.

Approved December 14th, 1898.

No. 131)

AN ACT

(H. 75

To prevent stock from running at large in precincts Nos. 6, 7, 8, 9, 10, 11, 12, and 15, in Cleburne county; and all of precincts Nos. eight (8) and nine (9), and that part of precinct twelve (12) north of the City of Greenville, the Greenville and Pineapple road and the old Montezuma road in Butler county, Alabama; and in sections five (5), six (6) and seven (7), township eighteen (18), range nine (9), and sections one (1), two (2) and twelve (12), township eighteen (18), range eight (8), making one hundred yards the line west and northwest of the public road, known as the Oxford and Shinbone road, running through section six (6), township eighteen (18), range nine (9), and sections 1 and 2, in township 18, range 8, in Clay county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for stock of any kind to run at large in precincts Nos. 6, 7, 8, 9,

Cleburne Co.

Butler Co.

Clay Co.

10, 11, 12 and 15, in Cleburne county; and all of precincts Nos. eight (8) and nine (9) and that part of precinct twelve (12), north of the City of Greenville, the Greenville and Pineapple road and the old Montezuma road, in Butler county, Alabama; and in sections five (5), six (6) and seven (7), township eighteen (18), range nine (9), and sections one (1), two (2) and twelve (12), township eighteen (18), range eight (8), making one hundred yards the line west and northwest of the public road known as the Oxford and Shinbone road, running through section six (6), township eighteen (18), range 9, and sections 1 and 2 in township 18, range 8, in Clay county, Alabama; beyond the lands or premises of the owner thereof, except in that part of precincts Nos. six and twelve, in Cleburne county, in which stock law does not now exist.

Taking up
stock

Sec. 2. Be it further enacted, That whenever any person shall permit their stock of any kind to run at large in precincts Nos. 6, 7, 8, 9, 10, 11, 12 and 15, in Cleburne county; or in precincts Nos. eight (8) and nine (9), and that part of precinct twelve (12) north of the City of Greenville, the Greenville and Pineapple road and the old Montezuma road, in Butler county, Alabama; or in sections five (5), six (6) and seven (7), township eighteen (18), range nine (9), and sections one (1) and two (2) and twelve (12), township eighteen (18), range eight (8), making one hundred yards the line west and northwest of the public road known as the Oxford and Shinbone road, running through section six (6), township 18, range 9, and sections 1 and 2 in township 18, range 8, in Clay county, Alabama, except in that part of precincts Nos. 6 and 12, in Cleburne county, in which stock law does not now exist, and trespass upon the lands of any other person than the owner of such stock, whether the owner of the stock resides within or without either of said precincts, the party upon whom the trespass is committed may take up and impound such stock in some place of safe keeping, giving them necessary food, water and attention, and in compensation for such food, water and attention shall be entitled to receive a fee of ten cents per day for each hog, sheep, goat or animal of their kind, and twenty cents per day for each

cow, horse, mule or ass, or animal of their kind, or for any stock not herein referred to; provided, the party impounding such stock shall be entitled to charge a fee for one day immediately on impounding the stock, and shall not charge for a second day until after the expiration of twenty-four hours from the time such stock is impounded. The owner of such stock shall also pay the person upon whom the trespass is committed all such damages as he may have sustained by reason of such trespass.

Fees

Damages

Sec. 3. Be it further enacted, That when any stock shall have been taken up and impounded, as provided in the preceding section of this act, it shall be the duty of the person so impounding the same to notify the owner thereof, if known, within twenty-four hours after taking up and impounding the same; such notice may be given the owner in person, or by notice in writing, describing the stock by kind, color, marks and brands, if any, and stating the time of taking up and impounding, left at the place of residence of such owner. If the owner is unknown, then the notice in writing, as stated above, shall be given by posting the same at three or more public places in the election precinct where the trespass was committed, which said notice shall also state that the owner is unknown to the person taking up such stock.

Notice to
owner

Sec. 4. Be it further enacted, That if the owner of such stock shall fail to satisfy the person taking up the same for the damages done his crops and premises, by such stock, and to pay or satisfy him for feeding, watering and caring for such stock, the person taking up the same, may, within three days after such stock is taken up, make complaint against the owner of such stock, or the person having same in charge, to a justice of the peace or notary public with the jurisdiction of a justice of the peace, of the precinct where such trespass was committed, or in which the owner of the stock resides, describing the property damaged, the damage done, and the stock committing the trespass; and when such complaint is made, the justice of the peace or notary public shall at once issue a notice to the person of whom the complaint is made, commanding him to appear before him at a place and

Trial before
Justice

on a day therein named, not less than three, nor more than ten days from the issuance of such notice; such justice of the peace or notary public shall also, at the same time, issue notice to two disinterested householders or freeholders, residing in the precinct where the trespass was committed, commanding them to assess and report to him in writing and under oath, on or before the day on which the cause is set for hearing, the amount of damages the complainant has sustained by reason of such trespass, which report shall be filed with the papers in such case, and shall be prima facie evidence of the amount of such damages; and if the owner or person having the stock in charge appears on the day he is commanded to appear, and answer the complaint, the justice of the peace or notary public shall proceed to try such cause and render such judgment for damages and costs as justice and the evidence demands; but if the defendant does not appear and answer the complaint, the Court shall give judgment according to the evidence and the justice of the case, and for such damages as the complainant shows he has sustained, and for costs of the proceeding, and in all cases the judgment must include the amount shown to be due for feeding and caring for the stock while impounded; and if judgment be rendered for the complainant, judgment must also be rendered condemning the stock described in the complaint to be sold for the satisfaction of the judgment and costs of the suit; and execution shall issue thereon commanding the constable to levy on and sell such stock for the satisfaction of such judgment and costs, and from the proceeds of such sale the said judgment and costs shall be first paid by the constable, and the remainder, if any, shall be turned over to the Court from which the execution issued, and the same, if demanded by the owner of such stock, shall be turned over to him.

Sale of stock

Payment of
damages

Sec. 5. Be it further enacted, That if the person taking up and impounding such stock, shall not, within three days thereafter, institute proceedings to have the damages determined, in case of disagreement by the parties, as provided in the preceding section, the owner or person having such stock in

charge may make complaint in like manner, and the same proceedings be had as prescribed in the preceding section; provided, that in either event, when judgment is rendered for damages and costs and condemning the stock for sale, the owner or person having charge of such stock may pay such judgment and costs, and shall thereupon be entitled to the possession of such stock; and, provided further, that when any stock has been impounded as herein provided, and the owner or person having charge of same shall pay a tender to the person taking up and impounding same, the fees and costs for feeding, watering and caring for same, due as prescribed by this act, and the damages claimed by such person, such owner or person having charge of the stock shall be entitled to the possession thereof.

Sec. 6. Be it further enacted, That when the owner of such stock is unknown to the person making the complaint, as prescribed in section 4 of this act, he shall, at the time of making such complaint, file with the justice of the peace or notary public, an affidavit that the owner of such stock is unknown, and thereupon such officer shall give the notice required in section 4 of this act, by causing to be posted notice in writing, with the same contents as required by said section 4, to be posted at three or more public places in the precinct where the trespass occurred, as a notice to such unknown owner, and the cause shall proceed in all other respects as if the owner were known.

When owner
unknown

Sec. 7. Be it further enacted, That in any such cause, any money returned by the constable to such justice of the peace or notary public as the proceeds of such sale, after satisfying the judgment and costs, shall, if not demanded by the person entitled thereto, be by such officer, after thirty days, paid to the county treasurer of said county, who shall, if the same is claimed by the person entitled thereto, upon satisfactory proof of the right of such person thereto, pay same to such claimant; but if such claim is not interposed within six months after the money is received by the county treasurer, such claim shall be barred, and the county treasurer shall turn said money into the general fund of the county.

Proceeds of
sale

Appeals

Sec. 8. Be it further enacted, That either party may appeal from the judgment of the justice of the peace or notary public in such case, to the Circuit or County Court of said county, upon giving bond and security as in other cases of appeal from Justice Court: Provided, that in case of appeal by either party the owner or person having charge of such stock may execute a bond in double the value of such stock, to be ascertained by the justice of the peace or notary public, with good and sufficient sureties, to be approved by the justice of the peace or notary public, payable to the person impounding same, conditioned to have such stock forthcoming within ten days after judgment against such owner, and condemning the stock described for the satisfaction thereof, and thereupon such owner or person in charge of such stock shall be entitled to the possession of such stock pending the appeal, and upon failure of such owner or person in charge of the stock to have the same forthcoming, and to deliver the same to the sheriff of said county within ten days after such judgment, and failure to pay or satisfy the judgment, the bond shall be indorsed forfeited by the sheriff, and execution shall issue at once against all or any of the obligators thereon for the amount of such judgment and costs: Provided, if such stock is not repleved as in this section provided, the constable shall proceed to advertise and sell the same, as if no appeal had been taken, and shall forthwith turn the proceeds of such sale over to the clerk of the Court to which the appeal is taken, who shall hold the same subject to the final result of the suit.

Fees

Sec. 9. Be it further enacted, That the fees of justices of the peace, notaries public and constables, and all other officers and witnesses in causes arising under this act, shall be the same as for like services in other civil causes.

Misdemeanor

Sec. 10. Be it further enacted, That any person who shall knowingly permit any of his stock to run at large or suffer the same to go within precincts Nos. 6, 7, 8, 9, 10, 11, 12 and 15 in Cleburne county or in any of precincts No. eight (8) and nine (9), and that part of precinct twelve (12) north of the city of Greenville, the Greenville and Pineapple road, and

the old Montezuma road, in Butler county, Alabama, or in sections five (5), six (6) and seven (7), township eighteen (18), range nine (9), and sections one (1), two (2) and twelve (12), township eighteen (18), range eight (8), making one hundred yards the line west and northwest of the public road known as the Oxford and Shinbone road, running through section 6, township 18, range, 9, and section 1 and 2, in township 18, range 8, in Clay county, Alabama, except in that part of precincts Nos. 6 and 12, in Cleburne county, in which stock law does not now exist, beyond his own premises, unattended, or permit the same to trespass upon the lands or crops of another, or any person who shall cause any stock to break away from their herd or guards, or to break away when staked out or tied out, or who drives such stock upon the lands or premises of another, or who shall throw down or break any fence or enclosure of another for the purpose of turning any stock at large, or any person who takes any stock from any pen or enclosure when impounded, without the consent of the person impounding the same, or without paying or tendering the lawful fees for feeding, watering and caring for same, and the damages claimed therefor, and any person who shall wilfully and wantonly beat or injure any stock impounded by him, or who shall fail or refuse to give such stock the necessary food, water and attention during its detention, shall be guilty of a misdemeanor, and shall be fined not more than fifty dollars, and may also be sentenced to hard labor for the county for not more than six months.

Sec. 11. Be it further enacted, That whenever a majority of the house-holders and free-holders and qualified electors in any other election precinct, or part of such precinct, or parts of two or more such precincts, or any district in either of said counties, not herein embraced, shall present to the probate judge of said county a petition or statement in writing, signed by a majority of the house-holders and free-holders and qualified electors residing within such precinct or part, or parts of precincts or district, giving definite description of the boundaries thereof and stating that they desire such precinct, or part or parts of precinct or district to be included

Establishing
stock law
districts

within the provisions of this act, and that the provisions of this act shall apply to such territory, and shall furnish satisfactory proof that such petition or statement is signed by a majority of the householders and free-holders and qualified electors residing within the limits described in such petition or statement, and that the signatures thereto are genuine, the probate judge shall at once issue his proclamation declaring such precinct or part or parts of precinct or district, described in the petition or statement, describing it as described in the petition or statement, shall become within the provisions of this act, which proclamation shall be published for three successive weeks in some newspaper published in said county; and after the expiration of sixty days from the date of such proclamation all the provisions of this act shall apply and be of force in such precinct or part or parts of precinct or district as fully as if the same were embraced herein at the passage of this act; and thereafter the provisions of this act shall apply to the territory embraced within said limits, and the petition or statement and the probate judge's proclamation shall be recorded by the probate judge, for which he shall receive the same fees as for recording other papers required to be recorded in his office; and the persons presenting the petition or statement shall also deposit the necessary amount of money to pay such recording fees, and also the fee for publishing the probate judge's proclamation, and if such amount is not so deposited, the probate judge shall not be required to act therein.

Misdemeanor

Sec. 12. Be it further enacted, That any person who shall break or throw down any fence or other inclosure for the purpose of turning or driving stock of any kind belonging to any person residing in a stock-law district in either of said counties into a district where stock-law does not exist, for the purpose of allowing such stock to run at large therein, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars and may also be sentenced to hard labor for the county for not more than six months, at the discretion of the Court trying the same.

Sec. 13. Be it further enacted, That this act shall

go into effect and be of force from and after the first day of March, 1899. When act goes into effect

Sec. 14. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved December 14th, 1898.

Repeal

No. 133)

AN ACT

(H. 432

To abolish the City Court of Bridgeport and to transfer all the civil cases at law and the criminal cases therein pending, together with all the dockets, papers and books relating to said cases in said City Court to the Circuit Court of Jackson county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the City Court of Bridgeport in this State be, and the same is, hereby abolished. City Court abolished

Sec. 2. Be it further enacted, That from and after the passage of this act, all actions and proceedings at law and all indictments and proceedings in criminal cases pending in the City Court of Bridgeport at the time of the passage of this act be, and the same are hereby, transferred to the Circuit Court of Jackson. And said Circuit Court of Jackson county, Alabama, shall have, take and exercise as full and complete jurisdiction of all matters in civil cases at law and criminal cases which have been brought in said City Court of Bridgeport and which may be in any way still pending and undetermined in said City Court as if the said causes or matters had been brought or instituted in the said Circuit Court of Jackson, and no causes, indictments or other proceedings of any kind shall be discontinued by the abolition of said City Court of Bridgeport, and no rights of any sort are destroyed or taken away by the abolition of said City Court, but the Circuit Court of Jackson county shall take jurisdiction of all matters at law and in criminal cases which have not been fully and finally disposed of by said City Court, and shall exercise jurisdiction Transferred to circuit court

and administer justice in the same manner and to the same extent as if such matters or proceedings had been brought to and were still pending in said Circuit Court.

Process re-
turnable to
circuit
court

Sec. 3. Be it further enacted, That all process of any kind in cases at law or criminal cases which has been issued from or made returnable to said City Court of Bridgeport, shall after the passage of this act be returned to and shall be considered and regarded as returnable to the Circuit Court of Jackson county in the same manner and to the same extent as if the same had been issued from and been made returnable to the Circuit Court of Jackson county, Alabama, and all recognizances taken by or made recognizable by the said City Court shall be taken and construed and shall be enforced by the said Circuit Court as if taken by said Court or as if they had been made to said Circuit Court.

Proceedings
transferred
to circuit
court

Sec. 4. Be it further enacted, That from and after the passage of this act, all proceedings for mandamus, habeas corpus, prohibition or other remedial writ that may be pending before the judge of the City Court at the time of the passage of this act, shall be, and they are hereby, transferred to the judge of the Circuit Court of the County of Jackson, and all such proceedings shall be continued before the judge of the Circuit Court of the County of Jackson in the same manner and with the same force and effect as if they had been originally begun before the said judge.

Sec. 5. Be it further enacted, That all judgments which shall have been rendered by the City Court of Bridgeport in any action or proceedings at law or in any criminal case shall be enforced in the same manner and with the same force and effect as if the said judgments had been originally rendered in the Circuit Court of the County of Jackson. And that all process for the enforcement of the said judgments shall be issued by the clerk of the Circuit Court of the County of Jackson and be returned in the same manner as is now prescribe by law for the enforcement of the judgment of the said Circuit the same manner as now prescribed by law for the enforcement of the judgments of the said Circuit Court.

Sec. 6. Be it further enacted, That from and after the passage of this act the Circuit Court for the County of Jackson shall be vested with full power and jurisdiction to hear and determine all cases at law and all criminal cases, and to execute all process therein of all such cases transferred to said Circuit Court from the City Court of Bridgeport under the provisions of this act.

Jurisdiction
of circuit
court

Sec. 7. Be it further enacted, That from and after the passage of this act it shall be the duty of the clerk of the City Court of Bridgeport to deliver over to the clerk of the Circuit Court of Jackson county, Alabama, all the dockets of all the cases at law and of all criminal cases, and all the papers of every kind in all the causes at law and criminal cases which have been brought in the City Court of Bridgeport since its organization to the time of such delivery. And he shall deliver over to said clerk of said Circuit Court all indictments which have been returned into said City Court since its organization, together with capiases issued and all the bonds taken in criminal cases or in civil cases at law and all other papers connected with any and all criminal cases or civil cases at law, and proceedings from the organization of the said City Court, and all the records and minutes of said City Court of civil cases at law and criminal cases from the organization thereof to the time of delivery, and all other books and papers which are pertaining to civil cases at law and criminal cases which belong to said City Court, and said clerk shall deliver from and after the passage of this act, all records, minutes, entries, books, papers of every description, from the organization of said City Court to the time of delivery, which pertain to or belong to all cases pending in said City Court of Bridgeport to the clerk of the Circuit Court of Jackson county. time of the passage of this act. And the said clerk

Duties of
clerk of city
court

Sec. 8. Be it further enacted, That the clerk of the Circuit Court shall, from and after the passage of this act, receive from the clerk of the City Court of Bridgeport, and keep all the dockets, records, minutes, papers and all other things which pertain to civil cases at law and criminal cases which were pending in the City Court of Bridgeport at the time of the passage of this act. And the said clerk

Duties of
clerk of
circuit
court

of the Circuit Court for Jackson county is hereby vested with authority to do and perform all the acts and discharge all duties in regard to said records, dockets and papers so received by him from the clerk of said City Court, which the said clerk of the said City Court could or might do with reference to civil cases at law or criminal cases, as if the said City Court were still in existence. All the powers of the clerk of the said City Court in all cases at law are hereby conferred on the clerk of the Circuit Court of Jackson county, Alabama.

Costs

Sec. 9. Be it further enacted, That all costs heretofore accrued in the said City Court due and owing to clerk, and the City Court judge thereof for services performed by him or to be hereafter due and owing to him for such services, shall be collected by the clerk of the Circuit Court, and paid to them as though they were his successor in office.

Approved December 16th, 1898.

No. 134)

AN ACT

(H. 480

To validate, ratify and confirm the general election for State and County officers, held in Precinct No. one (Gadsden precinct), in Etowah county, Alabama, on first Monday in August, 1898.

Whereas, At the general election for State and county on the first Monday in August, 1898, the election in Precinct No. one (Gadsden precinct), in Etowah county, Alabama, was not held in the courthouse building, but the polls were opened, the votes received and the election held in a vacant storeroom in the City of Gadsden, which had been fitted up for the purpose by the sheriff of said county, and which said room was located some 275 feet from said courthouse building, and in said precinct; and

Whereas, It appears that all prior elections, both State and Federal, since the enactment of the present election law in 1893, have been held in the immediate locality of said storeroom, and not in the courthouse; and

Whereas, It appears that the sheriff in providing said place, and the managers in holding said elec-

tion, and the voters in depositing their ballots there acted in good faith and in accordance with what they thought to be right; and

Whereas, The validity of said election so held in said storeroom has been brought in question on the sole ground that it was not held in the court house, and a contest for the office of probate judge of said county is now pending against the present incumbent of the office, based alone on said ground.

Section 1. Be it enacted by the General Assembly of Alabama, That the general election for State and county officers, held in Precinct No. one (Gadsden precinct), in Etowah county, Alabama, on the first Monday in August, 1898, be, and the same hereby is, validated, confirmed, ratified and approved, and made to be as binding, and to have same force and effect as if said election had been held in the court-house building in said precinct.

Election in
Gadsden
precinct
validated

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same is, hereby repealed.

Appeal

Approved December 14th, 1898.

No. 138)

AN ACT

(S. 217

To amend an act entitled, "An act to regulate the payment of claims against the Fine and Forfeiture Fund of Morgan county, Alabama," approved February 15th, 1897.

Section 1. Be it enacted by the General Assembly of Alabama, That section five (5) of an act entitled, "An act to regulate the payment of claims against the Fine and Forfeiture Fund of Morgan county, Alabama, approved February 15th, 1897," be amended so as to read as follows:

Sec. 5 amend-
ed

Sec. —. Be it further enacted, That such claims against the Fine and Forfeiture Fund as have been registered as aforesaid, and still outstanding, shall be receivable for county taxes due the County of Morgan, at the rate of fifty cents on the dollar: Provided, that no person shall be permitted to pay more than ten per cent. of his taxes in this manner.

Rate at which
receivable
for county
taxes

Approved December 16th, 1898.

No. 139)

AN ACT

(S. 207

To reduce the capital stock of the Tuscaloosa Coal, Iron and Land Company, a corporation.

Whereas, The capital stock of the Tuscaloosa Coal, Iron and Land Company, which was incorporated in 1887, under the laws of Alabama, was fixed at one million dollars; and

Whereas, A large part of said stock was never issued; and

Whereas, A large part of the stock that was issued was bought in by said company in satisfaction of debts, due from the stockholders to the company; and

Whereas, On account of a collapse in values and other causes, the actual value of the capital stock of said company does not now exceed sixty-two thousand five hundred and thirty dollars; now, therefore, be it enacted by the General Assembly of Alabama, as follows, to wit:

Amount of
capital stock

Section 1. The capital stock of the Tuscaloosa Coal, Iron and Land Company, which was incorporated under the laws of this State, is hereby reduced to sixty-two thousand five hundred and thirty dollars, and said capital stock is fixed at that sum, unless changed as provided in the next section.

Exchange,
purchase
and reduction of
stock

Sec. 2. The board of directors of said company is hereby authorized to call in the certificates of stock now outstanding and to issue new certificates based on the amount of the new capital stock. In making the exchange said company is authorized to buy its own stock, when it is impracticable to issue to a stockholder new stock in whole shares, and for the amount of stock to which he would be entitled. If said company should buy any stock under the provisions of this section, the company is authorized to further reduce its capital stock by the amount of the stock so purchased. On account of an error in the books, apparently of long standing, as to five shares of stock, or on account of the loss of five shares, the company is authorized in the discretion and through the action of its board of directors, to further reduce the capital stock of said company

to the extent of five hundred dollars.

Approved December 16th, 1898.

No. 141)

AN ACT

(H. 294

To amend sections 7 and 8 of an act entitled, "An act to amend a charter for the town of Louisville, in Barbour county," Approved February 20th, 1889.

Section 1. Be it enacted by the General Assembly of Alabama, That sections 7 and 8 of an act entitled, "An act to amend a charter for the town of Louisville, in Barbour county, approved February 20th, 1889," be amended so as to read as follows: "Sec. 7. Be it further enacted, That said town council shall have power and authority within the limits of said town, to license, tax, regulate and restrain all shows, theatrical performances, lectures and exhibitions; to license or tax peddlers, lotteries, raffles and gift enterprizes or undertakings of like character; to license or tax auctioneers in a sum not exceeding ten dollars; to license the disposing of liquors by retail in a sum not exceeding five hundred dollars; to license the disposing of liquors by wholesale in a sum not exceeding three hundred dollars; to license or tax drays, hacks, omnibuses or other vehicles running for hire, in a sum not exceeding ten dollars each; to license or tax hotels, eating-houses, eating-saloons, restaurants and private boarding-houses in a sum not exceeding twenty-five dollars; to license or tax barbers, lawyers, dentists, physicians and druggists, practicing their callings, in a sum not exceeding ten dollars; to license or tax merchants, warehouse men, blacksmiths, jewelers, silversmiths, the operators of public gins and mills, railroad, telegraph and telephone companies, the operators of workshops of every kind, livery-stable keepers, keepers of trading stables, commission merchants and brokers, in a sum not exceeding ten dollars per annum each; and also determine what may constitute a hotel, eating saloon, restaurant or private boarding-house; and to further

Powers of
town council

Powers of
town council

Powers

license or tax all other callings, trades, occupations or business that are taxed or licensed under the revenue laws of the State. "Sec. 8. Be it further enacted, That said town council shall have full power and authority in said town to suppress any gambling and gambling houses, and houses of ill fame, to abate nuisances, and to establish a fire department, and regulate the operations of the same, to open and establish new streets and alleys, or discontinue the same; to establish and define a fire limit and prescribe the kind of houses that may be built therein; to establish, maintain and regulate a system of quarantine, and do all other acts necessary for preserving the good health of said town; and generally do and perform such other acts as are necessary to carry out the objects and purposes of its creation, not inconsistent with the laws and institutions of this State."

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with any of the provisions of this act be, and the same are, hereby repealed.

Approved December 16th, 1898.

No. 142)

AN ACT

(H. 450

To re-enact sections 4589 and 4630 of the Criminal Code of Alabama, so as to confer criminal jurisdiction on justices of the peace in Tallapoosa county.

Criminal jurisdiction

Offenses justices of peace have jurisdiction of

Section 1. Be it enacted by the General Assembly of Alabama, That sections 4589 and 4630 of the Criminal Code, which reads as follows: "4589, Criminal jurisdiction, vested in what Courts and offices. The criminal jurisdiction of this State is vested in the Circuit Courts, City Courts, County Courts, justices of the peace and such other Courts and officers as are by law clothed with criminal jurisdiction. Sec. 4630. Jurisdiction of justices of the peace. Justices of the peace have in their respective counties, concurrently with the County Court jurisdiction of the following offenses: Violation of Sunday, vagrancy, assault, assaults and bat-

teries and affrays in which no stick or other weapon is used and when the value of the commodity which is the subject of the crime does not exceed ten dollars, of larceny, whether at common law or by statute, obtaining money by false pretense or taken with intent to defraud another, embezzlement and receiving stolen or embezzled goods, knowing them to be stolen or embezzled, and for failure to work on public roads after legal notice, and of offenses for cruelty to animals, and of public drunkenness be, and the same are hereby re-enacted so as to confer Fines payable to criminal jurisdiction on justices of the peace in Tallapoosa county: Provided, that all fines collected by the justices of the peace under this act shall be immediately paid over to the judge of probate of Tallapoosa county, who shall cause the same to be placed to fine and forfeiture fund."

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed. Repeal

Approved December 16th, 1898.

No. 143)

AN ACT

(H. 366

To fix the salary of the members of the Commissioners Court of Jefferson County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the commissioners of Jefferson county shall each be paid an annual salary of one thousand dollars per annum, as follows, to wit: Annual salary; amount each month for January, February, March, April, May, June, September and October, seventy-five dollars per month, and for July, August, November and December, one hundred dollars per month, by the county treasurer on the certificate of the judge of the Court.

Sec. 2. Be it further enacted, That regular terms of the Court of County Commissioners of Jefferson county shall be held on the first Mondays in January, February, March, April, May, June, September and October, and continue until all business brought before said Court is disposed of; and for Length of terms

July, August, November and December, the Court shall be kept open the entire month for the transaction of such business as may be brought before it.

Approved December 16th, 1898.

No. 144)

AN ACT

(H. 342

To extend and better define the corporate limits of the City of Jasper, in Walker county, Alabama.

Corporate
limits

Section 1. Be it enacted by the General Assembly of Alabama, That the corporate limits of the City of Jasper, in Walker county, Alabama, be, and the same are hereby extended and defined as follows, to wit: Commence at the southeast corner of the present boundary line in the charter incorporating said city, in the probate office of said county, under the general laws of the State, on the 10th day of December, 1897; thence north one and one-half mile; thence due west on a straight line one and one-half mile; thence due south, on a straight line, one and one-half mile; thence in an easterly direction one and one-half mile, on a straight line to the southeast corner of said city, as originally incorporated as aforesaid.

Repeal

Sec. 2. Be it further enacted, That all of the territory, tracts, lots, parcels, or pieces of land embraced with the lines as above described in section 1 of this act, and also such as are embraced within the corporate limits of said city, as originally incorporated under said general laws of the State as aforesaid, are hereby declared to be embraced within the corporate limits of the said City of Jasper.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved December 16th, 1898.

No. 146)

AN ACT

(H. 579)

To grant a new charter for the Town of Winfield,
in the County of Marion and State of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the Town of Winfield in the County of Marion and State of Alabama, be and the same is hereby incorporated, and the corporate limits of said town shall contain the following territory, viz: Northeast quarter of northeast quarter, northwest quarter of northeast quarter, southwest quarter of northeast quarter, all that part of southeast quarter of northeast quarter and northeast quarter of southeast quarter and northwest quarter of southeast quarter which lies north and west of Luxapallila creek, all that part of east half of northeast quarter of southwest quarter which lies north of said Luxapallila creek, east half of southeast quarter of northwest quarter, east half of northeast quarter of northwest quarter in section 17, township 13, range 12, also part of south half of east half of southeast fourth of southwest fourth, and part of south half, southwest fourth of southeast fourth, and part of south half southeast southeast fourth, section 8, township 13, range 12, commencing at the northwest corner of the corporate line, the east half of northeast of northwest quarter, section 17, thence north 420 feet, thence east to the east boundary line of said corporation, and the present and future inhabitants of said town shall be and continue a body corporate under the name and style of the Town of Winfield, under and by which name and style the corporate authorities thereof may sue and be sued, either in law or equity, and may purchase and hold property not to exceed five thousand dollars in value, and to do all acts incident to bodies corporate.

Sec. 2. Be it further enacted, That the government of said town shall be styled mayor and councilmen of the Town of Winfield, and shall consist

of a mayor and five councilmen, who shall be citizens and householders of said town, and shall serve for a term of one year and until their successors are elected and qualified. Said officers shall be elected by the male inhabitants of said town who are qualified electors under the Constitution and laws of the State of Alabama, and before entering upon their official duties they shall take an oath to support the Constitution of the State and the laws thereof, and the by-laws and ordinances of said town, and the oath of office therein prescribed.

Elections

Sec. 3. Be it further enacted, That the regular election of said officers shall be held annually on the first Monday in January, and shall be conducted by three or more qualified electors appointed by the mayor and councilmen for the purpose, and the mayor so elected shall be ex-officio justice of the peace, with jurisdiction concurrent with Circuit Court of said county, to try all misdemeanors committed within the corporate limits, and to have all the jurisdiction of notaries public and justices of the peace in said County of Marion, Alabama. The mayor and councilmen shall determine the legality of electors and declare who are duly elected officers, and in the case of a tie, shall determine who shall be mayor and councilmen, but the corporation shall not be dissolved should there be no election as herein prescribed, in which case the mayor, with the consent of the councilmen, shall forthwith order an election to be held within thirty days thereafter; and all elections so held shall be conducted under the general laws of the State of Alabama.

Vacancies

Sec. 4. Be it further enacted, That should a vacancy occur in the office of mayor or councilmen, such vacancy shall be filled by election by the remaining members of the board.

Powers of
Mayor and
councilmen

Sec. 5. Be it further enacted, That the mayor and councilmen of said town shall have the power, 1st, to employ a clerk, who, in addition to his general duties, shall assess the taxes; a marshal, who shall collect the taxes; also, to employ counsel for advice and for the prosecutions of offenders, and for the

defense of all suits against said town; a treasurer whose duty it shall be to receive and safely keep and disburse the funds and moneys belonging to said town; 2nd, to determine the fees and salaries of officers; 3rd, to enact such laws and ordinances as may be necessary to maintain the powers herein granted; to prevent and remove nuisances at the cost of the person or persons causing them or on whose premises they are found; 5th, to license, tax, regulate or restrain any and all shows or public exhibitions, public concerts, amusements or other entertainments; levy and collect a privilege tax not exceeding \$25.00 per annum on each lawyer, physician, dentist, merchant, dealer in groceries, druggist, hotel or inn keeper, carrying on business in said town; and the said privilege tax may also be levied and collected from such other persons, occupations and professions as the mayor and board of aldermen may determine; 6th, prohibit disorderly houses, houses of ill fame, gaming houses, racing and prize fighting within the limits of said town; 7th, to prevent and punish breaches of the peace and disorderly conduct, to define and punish vagrancy and to punish all other misdemeanors against the State of Alabama; 8th, to establish night and day police; 9th, to prevent and punish all unlawful assemblies; 10th, to prevent and punish violations of the Sabbath, and any disturbance or interference with public or private worship, to punish profane, abusive, insulting or obscene language, or indecent exposure of the person or improper exhibitions; 11th, to prevent and punish wanton, willful or malicious mischief to houses, fences, fruit, shade or ornamental trees, animals or other property within the corporate limits of the town; 12th, to work and keep in repair the streets, sidewalks, alleys, avenues, bridges and wells of said town, to keep them free from obstruction, to widen and change their directions, to discontinue and close them when expedient, and to open new ones; 13th, to prohibit any person or persons from selling, giving away or otherwise disposing of vinous, spirituous or malt liquors, or other intoxicating beverages or intoxicating bitters or convictions of any kind,

Powers of
mayor and
councilmen

within the corporate limits of said town; 14th, to license and tax billiard and pool tables, bowling alleys, drays and peddlers; 15th, to punish, by fine not exceeding three hundred dollars, and imprisonment or hard labor, or both, for not exceeding ninety days, any breach or violation of the laws, ordinances, by-laws and regulations of said town, and to impose additional hard labor and imprisonment for non-payment of fines and costs, not inconsistent with the laws of the State; provided, that in all cases wherein judgment shall have been rendered against any person, he shall be entitled to an appeal to the Circuit Court of Marion county, Alabama, under the rules and regulations prescribed by the laws of the State for causes tried before justices of the peace in Marion county, Alabama; and, provided further, that in all cases of appeal from the Mayor's Court to the Circuit Court, where the defendant is convicted, the fine and costs assessed against such defendant in said Court shall be collected in money and paid over to the treasurer of the town; 16th, to enact such laws and ordinances as may be necessary to regulate and govern hiring convicts of the town not inconsistent with the laws of the State; 17th, to take care of, remove, preserve, designate and regulate all burial grounds within the town.

Taxes

Sec. 6. Be it further enacted, That said corporation shall have power to levy on all property, real and personal or mixed, within the corporate limits of the town, such taxes as may be necessary to defray the expenses of said corporation, not to exceed the rate prescribed by the Constitution and laws of the State for municipal corporations, and to enforce the collection of the same according to the provisions of this act.

Sec. 7. Be it further enacted, That an assessment of all the property within the limits of the town, subject to taxation by the laws of the State, shall be made annually to the owner of said property when known, otherwise to owner unknown, and upon failure or refusal of any person to give in his

or her property when required to do so, the assessor shall and must proceed to assess the same from the best information he can obtain. The assessment, when completed, must be returned to the mayor and councilmen, who shall cause ten day's notice to be given by posting up three written notices of the time and place when corrections will be made. When corrections shall have been made, as above provided, the assessment must be marked "Approved." The assessment so approved shall have the force and effect of a judgment and execution, and upon failure on the part of the owner of any such property to pay said taxes, the marshal or person collecting taxes may collect the same by levy upon and sale of such property, or any other property of any kind owned by such delinquent taxpayers; provided, that no property of any description shall be so taxed which is exempt from taxation by the laws of the State, and provided further that all sales of property under the provisions of this act must be advertised by posting written notices in three public places in said town for fifteen days or more, which notice must contain a description of the property so levied upon, the name of the person to whom assessed, when known, and the amount for which it is to be sold. Certificates of purchase must be given by the officer making sale of said property, similar in form to those given in sale of property, for the collection of State and county taxes, and shall have the force and effect of transferring the title of the property so sold. The time and right of redemption of real property so sold shall be the same as provided for by the laws of the State, and at the expiration of the time for redemption of the property sold, the mayor must, upon presentation of the certificate of purchase, execute a deed to the purchaser of said property in accordance with the laws of the State in relation thereto, and shall be entitled to the same fees therefor as provided in other cases.

Sec. 8. Be it further enacted, That all persons residing within the corporate limits of said town who would be liable to road duty under the laws

Sales

Redemption

Work on
streets

Street tax of the State of Alabama, shall, in lieu of working the public roads, be required to work on the streets of said town, not exceeding ten days in any one year; provided, that all such persons shall be exempt from such duty by paying such street tax as the corporate authorities may impose, not exceeding five dollars in any one year.

Powers of mayor Sec. 9. Be it further enacted, That the mayor of said town of Winfield shall have jurisdiction of and power to try all violations of the laws and by-laws and ordinances of said town, and jurisdiction concurrent with the Circuit Court of Marion county, Alabama, of all misdemeanors committed within the corporate limits of said town, and shall have power to punish by fine and imprisonment all contempts of Court; and in case of the absence of the mayor, or when he is related to the defendant or otherwise interested in the case, it shall be lawful for either one of the councilmen to act as mayor of said town.

Sec. 10. Be it further enacted, That the marshal shall have the same power to arrest offenders, execute powers and enforce the laws and ordinances of the town as sheriffs have in their respective counties, and shall be vested with the same authority in the discharge of his duties as is conferred upon sheriffs by the laws of the State. He shall also have power to arrest offenders for offenses committed in his presence or for offenses which he has probable cause to believe were committed within the corporate limits of said town, and keep such offenders in custody until discharged by law, unless good and sufficient bail is given.

Additional powers Sec. 11. Be it further enacted, That in addition to the powers hereinbefore granted, the mayor and councilmen of said town shall have power to pass any laws and ordinances necessary for the peace, health and good government of the inhabitants of the said town.

Sec. 12. Be it further enacted, That before the mayor, treasurer or marshal of said town shall enter

upon the discharge of their duties, the mayor shall give bond in the penal sum of one thousand dollars, payable to and to be approved by the councilmen of said town, with condition to faithfully discharge the duties imposed upon him as mayor of said town. The marshal and treasurer of said town shall also give bond, payable to the mayor, in such sum as the mayor and councilmen may require, not exceeding one thousand dollars, conditioned to faithfully perform the duties of their respective offices.

Official bonds

Sec. 13. Be it further enacted, That no prosecution, suit or claim whatever pending or brought under the existing laws of said town, shall in any manner be affected, impeded or altered by the passage of this act, and all the existing ordinances, by-laws and regulations of the said town of Winfield, adopted in pursuance of the original or amended charters of said town and not inconsistent with the provisions of this act, or the Constitution and laws of the State of Alabama, shall be and remain in full force and effect, as the by-laws and ordinances of said town, until repealed, changed or modified by the mayor and councilmen under this act, and that the present officers of the said town of Winfield shall be subject to the provisions of this act in all things that pertain to their official duties, and shall be vested with all the powers and rights conferred by this act during their term of office, and until their successors are elected and qualified.

Effect of this act

Sec. 14. Be it further enacted, That no by-laws or ordinances passed by the authorities of said town shall be enforced until the same has been published at least ten days, by posting in three public places in said town; but it shall not be necessary for such by-laws or ordinances to be published in a newspaper.

Publication

Sec. 15. Be it further enacted, That all charters, tion lines to the northeast corner of section four and amendments thereto, heretofore granted said town of Winfield be and the same are hereby repealed.

Repeal

Approved December 16th, 1898.

No. 147)

AN ACT

(S. 33

To define the boundary line between the counties
of Jefferson and Walker.

Boundary
line

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act the boundary line between the counties of Jefferson and Walker shall be as follows, to-wit: Commence at the southeast corner of section 15, township 14, range 4, run west one mile, thence south one mile, thence west one mile, thence south one mile, thence west two miles, thence south one mile, to the southeast corner of section 36, township 14, range 5, thence west one mile, thence south two miles to the southeast corner of section 11, township 15, range 5, thence west one-half mile, thence south one mile, thence west one-half mile, thence south five miles to the southeast corner of section 34, township 15, range 5, thence west one mile, thence south two miles to the southeast corner of section 9, township 16, range 5, thence west two miles, thence south two miles, thence west three miles, thence south one mile, thence west two miles, thence south one mile to the southeast corner of section 32, township 16, range 6, thence west one mile, thence south to the Mulberry fork of Warrior river, on the line between sections 5 and 6, township 17, range 6, west, thence down said Mulberry fork to its junction with the Locust fork of the Warrior river, said Warrior river to be the line the remainder of the way.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved December 16th, 1898.

No. 148)

AN ACT

(S. 169

To incorporate Lamar Training School in Walker County.

Section 1. Be it enacted by the General Assembly of Alabama, That T. J. Lamar and Howard Lamar, of Jasper, Alabama, be, and they are hereby created a corporation, sole and body politic, with the power of succession, to continue for a period of twenty-five years, and that the successors of the said T. J. Lamar and Howard Lamar shall have all the corporate powers and privileges herein conferred upon them. Incorporators

Sec. 2. Be it further enacted, That the name of said corporation shall be Lamar Training School, and its domicile and place of business shall be at Jasper, Alabama, and that the said incorporators and their successors shall have power under and by said corporate name to organize, maintain and carry on a school for the education of young men of the white race, and to grant certificates and diplomas to all persons who shall complete the course of study which shall be adopted by said school, and to do and perform all other acts and things which are and may be necessary and proper in carrying out the purposes of said school; provided, that certificates and diplomas issued under this act shall not entitle the holder thereof to teach in the public schools of this State without examination. Name Powers

Sec. 3. Be it further enacted, That the said T. J. Lamar and Howard Lamar and their successors are hereby empowered to organize and employ a regular faculty of teachers in the school and to maintain the same, and the incorporator, T. J. Lamar, or his successors, are hereby made the principal of said school and the president of its faculty, and no certificates or diploma shall be granted without the consent of a majority of said faculty, as constituted at the time said certificate or said diploma shall be granted. Faculty

Powers

Sec. 4. Be it further enacted, That the said T. J. Lamar and Howard Lamar, or their successors, shall have power under said corporate name, to organize, have, own, receive and possess by gift, grant, purchase, devise, bequest, or otherwise, real and personal property to the value of twenty-five thousand dollars, and shall have power to dispose of said property by sale, grant or otherwise, and shall have such rights and powers as are granted to private corporations under existing laws.

Sec. 5. Be it further enacted, That this act shall take effect from and after its passage.

Approved December 16th, 1898.

No. 152)

AN ACT

(H. 21

For the relief of W. A. McClendon, late Sheriff of Henry County.

Whereas, W. A. McClendon, late sheriff of Henry county, while holding said office, on the 14th day of July, 1896, did remove Ambrose Arnold from Montgomery county to the county jail at Abbeville, in Henry county, for trial, on an indictment in the Circuit Court of the latter county, charging said Ambrose Arnold with grand larceny; and on the 25th day of March, 1896, did remove Lee McNulty from Jefferson county to the county jail at Abbeville, in Henry county, for trial in the latter county, on a charge of shooting into a moving locomotive or cars; and on the 2nd day of August, 1895, did remove Charlie Dauzy from Jefferson county to the jail at Abbeville, in Henry county, for trial in the latter county, on charge of burglary; and whereas, in each instance the said W. A. McClendon failed to get a proper removal order from the judge of the Court in which said parties were to be tried before their removal, in consequence of which the auditor could not allow his bills therefor; and whereas, the fees of said W. A. McClendon, for the

removal of such prisoners, at the rate fixed by law, amount, in the aggregate, to the sum of \$74.37, which has never been paid; therefore,

Section 1. Be it enacted by the General Assembly of Alabama, That the auditor be, and he is hereby authorized and required to draw his warrant in favor of said W. A. McClendon, late sheriff of Henry county, against the State treasury for said sum of \$74.37, to be paid out of any money in the treasury not otherwise appropriated.

Approved December 22d, 1898.

No. 153)

AN ACT

(H. 225

To establish the Vinemont School district in Cullman County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the following described territory in Cullman county, Alabama, viz: The west half of township nine (9), of range three (3), west, and particularly described as follows, viz: Beginning at the northwest corner of township nine (9), south, of range three (3), west; thence south along the range line between ranges three and four, to the southwest corner of township nine (9), of range three (3), west; thence east along the township line between nine and ten to the southeast corner of section thirty-three (33), township nine (9), of range three (3), west; thence north along the section lines to the northeast corner of section four (4), township nine (9), of range three (3), west; thence west along the township line between eight and nine to the northwest corner of township nine (9), south, of range three (3), west, the place of beginning, shall constitute a separate school district, to be known as the Vinemont School District.

Sec. 2. Be it further enacted, That said school district shall be entitled to receive and paid to it, its proportional part of all school funds accruing to that portion of territory embraced in this district, according to the number of children within

District under control of the educational age; and said school district shall be under the control, management and direction of a board of trustees, to be elected as hereinafter provided, and under the supervision of the county superintendent of education of Cullman county, Alabama.

Duty of county superintendent Sec. 3. Be it further enacted, That it shall be the duty of the county superintendent of education of Cullman county, Alabama, to pay over to the treasurer of said board of trustees; or to the teachers who may be employed to teach in the schools of said district, upon the order of said trustees, or a majority of said board, which shall constitute a quorum of said board, all the moneys due said township from all sources.

Use of moneys Sec. 4. Be it further enacted, That all funds or moneys due said township on account of appropriations made from the general fund, and all poll taxes, or other taxes imposed for school purposes, collected in said district, shall be used only for the payment of teachers to teach the schools in said district.

Election of trustees Sec. 5. Be it further enacted, That five trustees shall be elected by the qualified electors in said district, who have children within school age residing in said district, on the third (3rd) Monday in January, 1899, and every two years thereafter, and said trustees shall serve for a term of two years without compensation, and shall locate schools to be taught in said district and make contracts for the teaching of said schools, which contracts may be approved by the superintendent of education of Cullman county, Alabama, and the teachers shall be paid at the same time and in the same manner that the other teachers of public schools are paid.

Terms and duties Sec. 6. Be it further enacted, That all schools in said district shall be taught for a period of at least six months in each year, and that the patrons of said schools shall supplement the school funds of said district, if not sufficient, so as to operate or carry on said school or schools in said district for at least six months in each year, it being the purpose of this provision to stimulate and encourage the education of children in said district.

Must be taught six months in each year Sec. 7. Be it further enacted, That in the event the patrons of said schools in said district should

not supplement the school funds in the event said funds should be insufficient to operate the school or schools, for at least six months in each year in said district, then no contract shall be made by the trustees with teachers for teaching of school or schools in said district, and the funds of said district shall be held under the direction of the State superintendent of education until the funds of said school district will be sufficient to operate and run the schools of said district at least six months in every year.

Patrons to
supplement
school
funds

Sec. 8. Be it further enacted, That the trustees of said district shall have authority to make such rules from time to time as they may deem best for the management, operating, control or supervision of the school or schools located in said school district; provided further, that said trustees shall be required to keep a record of all their proceedings in and about the management of the school or schools in said district, together with the rules and regulations adopted governing the management of the schools, teachers, patrons and children.

Rules

Sec. 9. Be it further enacted, That any of the patrons or persons having children within school age living within the school district, may, at the time or upon the day set apart by law for the transfer of children or patrons from one township to another, or at such other time as may be fixed by an established rule of the trustees, of which public notice shall be given in said district by written notices posted up at three or more public places in the district, giving notice of the time and place when applications for transfers shall be made, and at such times such persons who desire to transfer children from said district to a school of any other district or township in said county may do so by filing or making their application to the trustees, or any one of them, in writing, on the day set apart by law or rule of the trustees for the hearing of applications for transfers, which applications shall state the name and age and size of child to be transferred; provided further, that any person living outside of said school district may have their children transferred into said school district by township trustees at the time and in the manner re-

Applications
for transfers

quired by law and authorized by law regulating the transfer of persons from one township to another township; provided further, that notice of said transfer shall be given to the trustees of said school district; and provided further, such person shall be governed and controlled by such rules and regulations as the trustees of said school district shall adopt for the management, operation and control of the schools, patrons, teachers and children in said school district.

Officers and
duties

Sec. 10. Be it further enacted, That the trustees of said district shall elect one of their number president, and one secretary and treasurer, and that such persons are required to sign all orders for the payment of moneys as directed by the board of trustees, and discharge such other duties as may be required of them by the trustees of said school district.

Trustees to
hold elec-
tion

Sec. 11. Be it further enacted, That for the purpose of holding the first election for trustees of said district, Jake Bogue, T. J. Burks, W. C. Dunn, and Clark and G. W. Clannahan are appointed trustees and managers, who shall hold said election on the third Monday in January, 1899, and declare the result thereof and issue certificates of election to the persons elected trustees, that said election shall be by ballot under the direction, supervision and control of the above named persons, and all subsequent elections shall be held under the direction, supervision and control of the trustees in office immediately preceding the holding of such election.

Repeal

Sec. 12. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and are hereby repealed.

Approved December 16th, 1898.

No. 154)

AN ACT

(H. 228

To better provide for the payment of State witnesses in the County of Baldwin.

Duty of com-
missioners
court

Section 1. Be it enacted by the General Assembly of Alabama, That the Commissioners Court of Baldwin county be and they are authorized and hereby directed to appropriate out of the general

fund of the county, and out of the other moneys not otherwise appropriated for the year 1899, and each year thereafter, the sum of one thousand dollars, or so much thereof as shall be deemed necessary by them for the payment of State witnesses attending the criminal Courts and appearing before the grand jury of said county as hereinafter provided.

Appropriation

Sec. 2. Be it further enacted, That witnesses subpoenaed on behalf of the State to attend the Circuit or County Courts of said county in criminal cases, or to appear before the grand jury of said county, shall be entitled to one dollar per day and five cents per mile to and from their residence by the usual traveled route, compensation to be paid out of the appropriation made by the Court of County Commissioners, as provided in section one of this act, upon the certificate of the clerk, showing the amount of compensation to witness is entitled, which certificate shall be receivable in payment of county taxes and other county dues.

Pay of witnesses

Sec. 3. Be it further enacted, That a witness for the State attending in more cases than one at the same time in said county, shall only be entitled to fees in one case while so attending, but if his attendance is required in the other case or cases, he shall be entitled for such attendance each day to claim his per diem, but no mileage, and so on for each day until all the cases in which he is required to attend are disposed of by trial, continuance or otherwise.

Entitled to fees in only one case at same time

Sec. 4. Be it further enacted, That it shall be the duty of the clerk of such Courts to tax up the fees of State witnesses against the defendant, if he is convicted, or against the prosecution, if the costs are imposed on him, and such fees, when collected, shall be paid by the clerk into the county treasury to reimburse the fund or appropriation, from which the same was paid. And it shall be the duty of the county treasurer of said county to keep a separate account of the fees thus covered into the treasury and the fund appropriated under section one (1) of this act, and he shall render to the Court of County Commissioners at their first meeting in each year a statement of the fees so returned into the

Duties of clerk

Surplus

treasury, the amount paid out to State witnesses under the provisions of this act; and if there be any surplus remaining of such appropriation or the fees thus paid into the treasury after all the claims of State witnesses for the preceding year, as shown by the certificates issued by the clerk, have been met, the Court of County Commissioners shall order the same passed to the credit of the fine and forfeiture fund of said county.

All claims due
state wit-
nesses to be
paid

Sec. 5. Be it further enacted, That should the amount appropriated under section 1, together with the amount of costs collected from defendants on conviction, and paid into the county treasury as provided in section 4 of this act, be insufficient to pay all the claims for State witnesses for the year in which such claims accrue, the Court of County Commissioners are hereby directed to set aside a sum from the general fund of the county sufficient to pay such claims as the report of the treasurer may show to be still outstanding and unpaid.

Claims this
act applies
to

Sec. 6. Be it further enacted, That the provisions of this act shall only apply to claims of State witnesses hereafter accruing.

Approved December 16th, 1898.

No. 155)

AN ACT

(H. 304

For the preservation of quails, otherwise called partridges, in the County of Mobile.

Protection of
partridges

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, and for and during the full term of three years thereafter, it shall be unlawful for any person, at any place in Mobile county, to catch, kill, injure or pursue with such intent any quail, otherwise called partridge, or to break up or destroy the nests of the same.

Penalty.

Sec. 2. Be it further enacted, That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and shall be, on conviction, fined not less than five or more than twenty dollars, at the discretion of the magistrate or jury trying the same.

Approved December 16th, 1898.

No. 156)

AN ACT

(H. 73)

To amend section 3 of an act entitled An act to authorize the Commissioners Court of Choctaw and Clarke counties to establish districts in which stock may be prevented from running at large, so far as it relates to Choctaw county.

Section 1. Be it enacted by the General Assembly of Alabama, That section 3 of an act entitled an act to authorize Commissioners Court of Choctaw and Clarke counties to establish districts in which stock may be prevented from running at large, approved February 18th, 1891, be amended as far as it relates to Choctaw county, so as to read as follows: "Sec. 3. Be it further enacted, That the Court of County Commissioners, at the next regular term thereof after said application is filed, must, if such petition or application is filed thirty days before the term commences and such notices are posted as above provided, hear the petitioners, and any person that may be opposed thereto, and if such Court is satisfied that a majority of the landowners or freeholders who reside in and who own land situate in said proposed district, and who are over the age of twenty-one years are in favor of said district being established, then said Commissioners Court must make an order granting said petition or application, and shall describe in said order, on the minutes of said Court, the boundary lines of said district so established, and said order shall go into effect thirty days after it is made; provided, that the petitioners shall pay all expenses of publishing notices and that all the real estate owners that live inside of said stock district shall build and keep up a lawful fence on the lines so established between the stock district and the no stock district. If this section of the law is complied with, and if an order is made by said Court establishing a district in which stock is not allowed to run at large therein, then on and after the expiration of thirty days from the date of said order, it shall not be lawful for stock of any kind or description whatever to run at large in the district so established.

Amended as
to Choctaw
county

Duty of
county com-
missioners

Petitioners to
pay expen-
ses

Must keep up
fence

Approved December 16th, 1898.

No. 157)

AN ACT

(H. 114)

To prohibit the sale of intoxicating liquors within a radius of three miles from Rockdale Church, in Marshall county, and in a radius of three miles of the First Methodist Church in the town of Paint Rock, Jackson county, Alabama.

Prohibition

Section 1. Be it enacted by the General Assembly of Alabama, That from and after January 1st, 1899, it shall be unlawful for any person to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors within a radius of three miles from Rockdale church, situated in Marshall county, and in a radius of three miles of the First Methodist church in the town of Paint Rock, Jackson county, Alabama.

Penalty

Sec. 2. Be it further enacted, That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars; and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Approved December 16th, 1898.

No. 158)

AN ACT

(H. 32)

To authorize the town council of the town of Tuskegee to issue and negotiate bonds of said town for an amount not exceeding thirty thousand dollars, for the purpose of constructing and maintaining a system of water works and a system of electric lights, one or both, in said town.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the town council of the town of Tuskegee be and they are hereby authorized to issue and negotiate bonds of said town to an amount not exceeding thirty thousand dollars in denominations of not less than one hundred dollars each, with interest coupons attached showing amount of

interest and when payable, and payable thirty years after date of issuance, and bearing interest at the rate not to exceed six per centum per annum, for the purpose of constructing a system of water works and electric lights, one or both, and maintaining the same in said town. Said bonds shall be payable, principal and interest, in gold, the interest to be payable semi-annually at such place as may be designated in the coupons. Said bonds shall be signed by the mayor and countersigned by the treasurer of said town, shall be made payable to bearer, and shall have all the properties and protection of commercial paper.

Sec. 2. Be it further enacted, That the bonds issued and sold under this act shall hold a mortgage lien on all the property comprised in the systems of water works and electric lights that may be established with the proceeds of the sale of the same, which said lien shall be enforceable in the Courts having jurisdiction of other mortgage liens, and by the same methods, after the maturity of said bonds, for the principal and accrued interest, and all revenues that may be derived by said town council, each year from the system of water works and electric lights that may be established under this act, after deducting necessary expenditures for conducting said system shall be applied to the payment each year of the interest on said bonds and to making up of a sinking fund, to be established and controlled by said council to redeem said bonds. Mortgage
lien

Use of receipts

Sec. 3. Be it further enacted, That the treasurer of said town of Tuskegee shall keep a correct record and account of all bonds issued and disposed of under this act, and shall issue said bonds on the order of the mayor of the town and receive and keep all moneys that may be received on sale of the same and make all payments on the interest on the same. Duties of
treasurer

Sec. 4. Be it further enacted, That one-half of the proceeds of the sale of said bonds be deposited in the Macon County Bank, the other half in the Bank of Tuskegee, subject to the order of the treasurer, when countersigned by the mayor of said town; provided further, that should either bank go out of business the balance on hand to be turned Deposits

over to the treasurer of said town under direction and stipulation of town council.

Duties of
town council.

Sec. 5. Be it further enacted, That the town council of Tuskegee are hereby empowered to cause the bonds and coupons herein provided for to be printed and properly advertised, and to sell the same through the treasurer or any agent or agents which they may appoint, to the best advantage, and to receive the proceeds of said sales and to appropriate and apply the same only to the construction and maintenance of a system of water works and electric lights, one or both, as they may determine, and to regulate and control and operate said systems, and the said town council are fully authorized and empowered to do and perform all other things that may be necessary and proper to execute the purposes of this act and carry out the powers hereby expressly granted, and no informality, or irregularity, error, or omission in their record or proceedings shall in anywise invalidate, vitiate or annul said bonds; provided, that every act and proceeding done and taken must be authorized by an ordinance of said town council duly and legally enacted and recorded, as required by law.

Voters having
declared in favor
of

Sec. 6. Be it further enacted, That the propriety of this act having already been submitted to the voters of said town of Tuskegee at a duly authorized and advertised election, and a large majority of said voters having declared in favor of the passage of this act, the town council shall not be required to submit any other question connected therewith to a vote of the citizens of said town, and all laws in conflict with this act are hereby repealed.

Approved December 16th, 1898.

(No. 159)

AN ACT

(H. 16)

To authorize the Court of County Commissioners of Etowah county to issue and sell warrants of said county not exceeding ten thousand dollars for each year for a period not exceeding four years to pay the current expenses of said county in cash, and to provide for the payment of interest therein.

Section 1. Be it enacted, by the General Assembly of Alabama, That the Court of County Commissioners of Etowah county be and hereby is authorized to issue and to sell warrants of said county to an amount not exceeding ten thousand dollars each year for a period of four years from the passage of this act, for the purpose of obtaining money to pay in cash the current expenses of said county other than such claims as are now preferred claims in said county by law, and funds arising from the sale of said warrants shall be used for no other purpose, and in no event shall funds arising from the sale of said warrants be used for the payment of warrants outstanding against said county at the time of the passage of this act.

May sell warrants

Use of funds

Sec. 2. Be it further enacted, That said warrants shall bear interest at a rate not exceeding six per centum per annum, and the interest thereon shall be payable semi-annually on April 1st, and October 1st of each year at a place to be designated in said warrants and determined by said Court of County Commissioners of Etowah county, upon the presentation of said warrants, so that the payment of said interest may be endorsed on the back of said warrants.

Interest

Sec. 3. Be it further enacted, That said warrants may be issued in such amounts as may be determined by said Court of County Commissioners of Etowah county, not to exceed in amount ten thousand dollars in any one year, and shall be numbered consecutively according to the number of warrants issued.

Amounts

Sec. 4. Be it further enacted, That the probate judge of said county is hereby required to keep a

Record

correct record of all warrants issued and sold under this act.

Sold at not less than par Sec. 5. Be it further enacted, That said warrants shall not be sold at less than par.

To run six years Sec. 6. Be it further enacted, That said warrants shall be issued to run six years from their date, and the Court of County Commissioners of said county shall have the right at their discretion to stipulate in said warrants that the privilege is reserved to call in and pay off any or all of said warrants any time after four years from their date. When calls are made, the warrants shall be called in the order of their number, commencing with warrant number one.

Tax exempt from Sec. 7. Be it further enacted, That said warrants shall be exempt from county and municipal taxation in said Etowah county, and that said warrants after maturing shall be receivable for all dues to the county.

Authority of commissioners Sec. 8. Be it further enacted, That said Court of County Commissioners is hereby authorized to sell, either themselves, or through any authorized agent appointed by themselves, said warrants, and to do any and all things necessary in issuing or selling said warrants to carry into effect the provisions of this act, and that no technicality, informality, neglect or omission in the proceedings of said Court of County Commissioners shall in any wise vitiate or annul said warrants issued by authority of this act, or affect the rights of the purchasers or holders of said warrants.

Money to be paid to county treasurer Sec. 9. Be it further enacted, That the money arising from the sale of the warrants issued by authority of this act, shall be paid by said Court of County Commissioners into the hands of the county treasurer of said county and they shall take his receipt for the same, which shall state amount deposited with him and the character of deposit.

Duties of county treasurer Sec. 10. Be it further enacted, That said county treasurer shall keep a separate account of the funds herein provided for and shall keep said funds separate from the other funds of said county, and shall pay out the moneys arising from the sale of said warrants only upon warrants which shall be issued by the probate judge of said county against said

fund, and which shall be on different colored paper from the other warrants of the said county, and shall be numbered consecutively commencing with number one, and the treasurer shall pay said warrants against said fund in the order in which they were issued; and said county treasurer shall be responsible for the safe keeping and paying out of said funds, as he is responsible for any other funds of said county, and shall be liable in the same manner as to it, as he is for other funds, or neglect of any other official duty. The treasurer shall be entitled to a commission of one quarter of one per centum on the amount of money actually disbursed by him under the provisions of this act.

Sec. 11. Be it further enacted, That the semi-annual interest on the warrants provided for in this act shall be preferred claims against said county, and shall be paid by the treasurer of the county out of any funds of said county in his hands when said interest falls due. Preferred claims

Approved December 16th, 1898.

No. 161)

AN ACT

(H. 242

To authorize the Mayor and Council of the Town of Avondale to negotiate a loan for the purpose of establishing electric lights and water supply in the Town of Avondale, and to issue bonds for the payment of said loan.

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the Town of Avondale, of the County of Jefferson, State of Alabama, be and they are hereby duly authorized and empowered to borrow and expend a sum not exceeding twenty-five thousand dollars, to be expended and applied to establish a system of water works and, in connection therewith, if desirable, a system of electric lighting, for and in said town of Avondale. May borrow money

Sec 2. Be it further enacted, That in payment of said sum, and to carry out fully the power and au- May issue bonds

thority granted in section one of this act, the said mayor and council be, and they are hereby, fully authorized to issue the bonds of said town in a sum not exceeding twenty-five thousand dollars, to be known as improvement bonds, with coupons attached, signed and numbered to correspond with said bonds, showing amount of interest and when payable, said bonds to run not longer than thirty years, redeemable at the option of the town after ten years, and bear interest at not more than eight per cent., to be issued in such form and manner as the mayor and council may direct, in sums not less than one hundred dollars. The interest and principal of said bonds may be made payable in gold of the present standard of weight and fineness; provided, further, that none of said bonds shall be sold by said mayor and council for less than their face value.

Payment of interest Sec. 3. Be it further enacted, That to meet the interest annually and the principal at maturity upon any or all of the bonds issued under the authority of this act, said mayor and council shall, and it is hereby made their duty to, set apart out of the revenues, first of the water and light plants, and, if these are insufficient, out of the general revenues of the town, each year an amount for a sinking fund, equal to two and one-half per cent. of the par value of the outstanding bonds, and must meet and pay off the principal and interest upon said bonds at maturity.

Authority of mayor and council Sec. 4. Be it further enacted, That said mayor and council shall have power and authority to do and carry out all the powers granted in this act, either by themselves or their agents duly appointed, and no technicality, formality or neglect or omission in the proceedings of said board or the records thereof shall in any way affect the validity of said bond or coupons issued under this act, or any rights of the purchasers of the same.

Use of money Sec. 5. Be it further enacted, That all bonds issued under this act shall be sold for cash, and the money raised by the sale of said bonds shall be deposited with the treasurer of said corporation, to be paid out by him at the order of said council only when said order is signed by the mayor, to the contractors or laborers who do the work, and to

pay for all material used and work done to carry out the improvements contemplated by this act.

Sec. 6. Be it further enacted, That said bonds shall have priority over any bonds that may be hereafter issued by said town, and it shall be the duty of the mayor and council of said Town of Avondale to provide for the payment of same, principal and interest, before providing for the payment of bonds which may be hereafter issued by said mayor and council of Avondale. Priority

Approved December 16th, 1898.

No. 162)

AN ACT

(H. 455

To pay W. B. Morgan, Tim Rarden, and C. C. Smith for the arrest and conviction in the Circuit Court of Walker county of certain persons herein named, of being engaged or concerned in the riot in said county on the 6th day of May, 1894.

Section 1. Be it enacted by the General Assembly of Alabama, That the sum of two thousand dollars be and the same is hereby ordered paid out of any funds in the State treasury not otherwise appropriated, to W. B. Morgan, Tim Rarden and C. C. Smith for the arrest and conviction in the Circuit Court of said county, of Gus Domiwick alias Guy Domium, Dick Linnehan, Henry Cotton, Arthur Ware and Robert McGee, for the crime of being engaged or concerned in a riot in said county on the 6th day of May, 1894. Thomas G. Jones, then governor of Alabama, having offered a reward of \$400.00 each for the arrest and conviction of all persons engaged or concerned in said riot. Appropriation

Sec. 2. Be it further enacted, That the State and itor be, and is hereby required to draw his warrant on the State treasurer for the said sum in favor of said W. B. Morgan, Tim Rarden and C. C. Smith. Warrant for

No. 163)

AN ACT

(H. 339)

To prevent stock from running at large in Precinct No. 12, Randolph comnty, Alabama, a stock law district as the same was made by the Commissioners Court of Randolph county, Alabama, and spread upon the minutes of said Court.

Owner liable
for damage

Section 1. Be it enacted by the General Assembly of Alabama, That any damage done by stock running at large in Precinct No. 12, in Randolph county, Alabama, the owner shall be liable to the injured party in twice the amount of damage done, to be recovered by suit before any Court having jurisdiction, and any such judgment recovered shall be a lien on stock so committing the damage, and the Court entering the judgment shall enter therein an order that the officer executing the writ of execution on such judgment shall seize and sell the said stock for the satisfaction of the judgment.

Trials before
Justice of the
peace

Sec. 2. Be it further enacted, That the prosecution and civil actions provided for in this act may be tried before any justice or notary public with justice jurisdiction in the precinct where the offense or damage occurs, and the amount of damage does not exceed fifty dollars. If the justice of the peace or notary public as incompetent or there is a vacancy in said offices, then said trials shall be in the nearest precinct in said county, where no objections exists. For such trials and prosecution said justices courts shall always be open; but three days notice shall be given to the opposite party.

Taking up
stock

Fees

Sec. 3. Be it further enacted, That any stock running at large in violation of section one of this act and trespassing on the land or premises of any person other than the owner of said stock, the party so trespassed upon may take up and impound such stock in some place of safe keeping, giving therein necessary food, water and attention, and in compensation for such attention shall receive a fee of twenty cents per head per day for each hog, sheep, goat or animal of their kind, forty cents per head per day for each animal of the cow kind, and fifty cents per head per day for all other stock:

Provided, That the party impounding such stock shall be entitled to charge for one day immediately on impounding the stock and shall not charge a second fee until after the expiration of twenty-four hours from the time such stock was impounded. When any stock has been so impounded, notice shall be given to the owner, if known, and if unknown, notice thereof shall be given within twenty-four hours by posting in three public places in the neighborhood in which stock were impounded. Such notice shall describe such stock, giving marks and brands, if any, and state that unless stock are claimed by the owner thereof they will be sold at some particular public place in the neighborhood on the eighth day after the date of such notice.

Notice to
owner

Sec. 4. Be it further enacted, That if such sale is made the party making such sale shall deduct his fee for attention from the proceeds thereof, and shall turn over to the treasurer of the county the remainder, if any, with his or her sworn statement as to the proceedings of sale and a copy of the notice above required.

Proceeds

Sec. 5. Be it further enacted, That if any money is paid into treasury from the sale of stock the same shall be held subject to the claims of the owner of the stock sold, and shall be paid to such owner upon his application and proof of property.

Payable to
owners

Sec. 6. Be it further enacted, That any owner, custodian or manager of any animal prohibited from running at large in said district who shall allow such animal to go at large or uncontrolled in said district, shall, on conviction, be fined not less than twice the amount of the damages committed by said animal upon property in said district, one-half of which fine shall go to the person injured.

Damages

Sec. 7. Be it further enacted, That any person who shall drive any animal into said district and shall set said animal at large therein, shall, on conviction, be fined not less than five nor more than one hundred dollars.

Driving into
district

Sec. 8. Be it further enacted, That the term stock where it occurs in this act shall be held to include horses, mares, mules, jacks, jennets, colts, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, hogs, shoats, and pigs.

Stock includ-
ed

Payment of fees	Sec. 9. Be it further enacted, That any person who causes any live stock to break away from their herder or guards, or who drives said live stock upon the lands of another, or takes away from any lot or place where such stock have been impounded without first having paid the fees required by this act, must, on conviction, be fined not less than five nor more than one hundred dollars, and the offense shall be triable before the justice or notary in the precinct, or if none, in the adjoining precinct: Provided, that the owner of any stock sold under this act may at any time, within twelve months after the date of such sale, redeem said stock by paying to purchasers the amount of such purchase money, and the expense of keeping and caring for said stock, with interest on purchase money from date of such sale.
May redeem	
Takes effect	Sec. 10. Be it further enacted, That this act shall take effect from and after its passage.
Repeal	Sec. 11. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.
	Approved December 16th, 1898.

No. 164)

AN ACT

(H. 403)

To require all persons who are liable to road duty in Pickens county to work not less than five days in each and every year on the public roads of said county, not counting the days engaged in opening new roads.

Time to work on roads	Section 1. Be it enacted by the General Assembly of Alabama, That all persons who are subject to road duty in Pickens county shall be required to work not less than five nor more than ten days during each year upon the public roads of said county, not counting the days that they may be engaged in opening new roads.
Repeal	Sec. 2. Be it further enacted, That all laws in conflict with this act shall be and the same are hereby repealed.
	Approved December 16th, 1898.

No. 165)

AN ACT

(H. 312)

To authorize the mayor and councilmen of Troy to issue bonds of said city not exceeding twenty-five thousand dollars, for the purpose of refunding the bonds issued by said mayor and councilmen of Troy, by virtue of an act of the General Assembly of Alabama, approved February 18th, 1891, entitled "an act to authorize the mayor and councilmen of Troy to erect and maintain a system of electric lights, and issue bonds in payment thereof, in an amount not to exceed twenty thousand dollars.

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and councilmen of Troy, in Pike county, are hereby authorized to issue and negotiate bonds of said city, to be known as the "City of Troy Electric Light Refunding Bonds," to an amount not exceeding twenty-five thousand dollars, or so much thereof as may be necessary, in bonds of one thousand dollars each, payable at such time and place as they may designate, but not extending longer than twenty years from the date of the issuance, for the purpose of refunding the bonds issued by said mayor and councilmen of Troy on the 1st day of February, 1891, by virtue of the authority conferred on them by act of the General Assembly of Alabama, approved February 18, 1891. Said bonds shall have coupons attached, bearing interest at the rate of 4 per cent per annum, payable semi-annually.

Sec. 2. Be it further enacted, That the mayor and councilmen of Troy are hereby authorized to negotiate such bonds as are issued by them by virtue of this act to the present holders of the bonds and past due interest coupons thereon of said City of Troy, issued by virtue of said act approved February 18, 1891, and known as the "City of Troy Electric Light Bonds:" Said bonds shall not be sold, negotiated or exchanged, for less than par, less the cost of issuing and negotiating the same. Such bonds may be negotiated or exchanged to the holders of said "City of Troy Electric Light Bonds," and

Authority of
Mayor and
councilmen

past due interest coupons thereon, who will surrender to the treasurer of the city such an amount of said "City of Troy Electric Light Bonds," and past due interest coupons thereon, as are equal, at their face value, to the amount of the bonds issued under this act, that are negotiated to the holders of such bonds and coupons.

Use of pro-
ceeds Sec. 3. Be it further enacted, That the mayor and councilmen of Troy are hereby authorized to negotiate and sell bonds as are issued by them by virtue of this act; but such bonds shall not be sold or exchanged for less than par, less cost of issuing and negotiating the same; and the proceeds of said bonds shall be paid over to the city treasurer, to be applied solely to the purpose of satisfying and discharging the bonds of the City of Troy, known as the "City of Troy Electric Light Bonds," and the past due interest coupons thereon. Said payment and application to be under the authority and direction of said board of mayor and councilmen: and the said treasurer to be responsible for the safe keeping of all proceeds arising from the sale of said bonds the same as other city funds.

Unlawful use
of Sec. 4. Be it further enacted, That it shall be unlawful for said board of mayor and councilmen, or any member thereof, or any officer of said city, to apply the proceeds of the sale of any of the bonds issued by authority of this act, to any other purpose than that herein named.

Mortgage Sec. 5. Be it further enacted, That to better secure the payment of said bonds and interest, the said mayor and councilmen are hereby authorized to execute to trustees, or in such manner and form as they may deem best for the city, a mortgage upon the real estate, franchise, engines, dynamos, and in fact, all property, whether real or personal, acquired by the proceeds of the sale of the said "City of Troy Electric Light Bonds," together with all privileges and grants necessary to properly conduct or carry on said business as established, and said mortgage may be signed and executed by said mayor and councilmen in such manner as they may direct.

Authority of
mayor and
councilmen Sec. 6. Be it further enacted, That the said mayor and councilmen of Troy are hereby authorized to do any and all things authorized by this act which

may be necessary to carry out the powers hereby granted, either through themselves or by any agents authorized by them for that purpose at any meeting of said board, whether at a regular or special meeting thereof; and no technical informality, irregularity, neglect or omission in the proceedings or records of said bonds or coupons, shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Sec. 7. Be it further enacted, That there shall be kept by said City of Troy a bond book of record, open at any time to the inspection of any taxpayer of Troy, in which shall be briefly stated each bond, under this act, and the disposition thereof, with its date and amount, to whom issued and when issued, and whether in exchange for other bonds or coupons, or for money, and if in exchange for other bonds or coupons, then the number and date and amount of such bonds or coupons, and if for money, the amount received. Record

Approved December 16th, 1898.

No. 166)

AN ACT

(H. 311

To authorize the Mayor and Councilmen of Troy to issue bonds of said city for an amount not exceeding thirty-five thousand dollars for the purpose of refunding the bonds issued by said Mayor and Councilmen of Troy, by virtue of an act entitled "An act to authorize the Mayor and Councilmen of Troy to issue bonds of said city for an amount not exceeding thirty thousand dollars for the purpose of making and improving streets, establishing sewerage for said city and paying whatever outstanding floating (not bonded) indebtedness said city may have at the passage of this act.

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and councilmen of Troy, in Pike county, are hereby authorized to issue and negotiate bonds of said city to be known as Bonds

the "City of Troy Improvement Refunding Bonds," to an amount not exceeding thirty-five thousand dollars, or so much thereof as they may deem necessary, in bonds of one thousand dollars each, payable at such times and places as they may designate, but not extending longer than thirty years from the date of the issuance, for the purpose of refunding the bonds issued by the said mayor and councilmen of Troy on the 1st day of January, 1895, by virtue of the authority of an act of the General Assembly of Alabama, approved December 12th, 1894. Said bonds shall have coupons attached bearing interest at the rate of 4 per cent. per annum, payable semi-annually.

Authority of
mayor and
council

Sec. 2. Be it further enacted, That said mayor and councilmen of Troy are hereby authorized to negotiate such bonds as are issued by them by virtue of this act to the present holders of the bonds, and such of the interest coupons thereon as may be past due at the date of the issuance of the bonds under this act issued by said mayor and councilmen of Troy, by virtue of said act approved December 12th, 1894. Said bonds shall not be negotiated for less than par, less the cost of issuing and negotiating the same. Such bonds may be issued to such of the holders of such bonds and coupons of said previous issue, as are equal at their face value, to the amount of the bonds issued under this act that are negotiated to the holders of such bonds and coupons.

Use of pro-
ceeds

Sec. 3. Be it further enacted, That the mayor and councilmen of Troy are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act; but such bonds shall not be sold or exchanged for less than par, less the cost of issuing and negotiating the same; and the proceeds of said bonds shall be paid over to the city treasurer to be used and applied solely to the purpose of satisfying and discharging the bonds of the City of Troy, issued by said city by virtue of said act approved December 12th, 1894, and the interest coupons thereon, that may be past due at the date of the issuance of the bonds under this act. Said payment and application to, be under the direction and authority of said board of mayor and council-

men; and the said treasurer to be responsible for the safe keeping of all proceeds arising from the sale of said bonds which may come into his hands, the same as any other city funds.

Sec. 4. Be it further enacted, That it shall be unlawful for said board of mayor and councilmen, or any member thereof, or any officer of said city, to apply the proceeds of sale of any of the bonds issued by authority of this act to any other purpose than that herein named.

Unlawful use
of

Sec. 5. Be it further enacted, That the said mayor and councilmen of Troy are hereby authorized to do any and all things authorized by this act which may be necessary to carry out the powers hereby granted, either through themselves or by any agents duly authorized by them for that purpose at any meeting of said board, whether at a regular or special meeting thereof; and no technical informality, irregularity, neglect or omission in the proceedings or records of said bonds or coupons shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Authority of
mayor and
councilmen

Sec. 6. Be it further enacted, That the bonds herein provided for shall not have priority over the bonds issued by said city, known as the "City of Troy Electric Light Refunding Bonds," nor over the bonds known as the "City of Troy Water Refunding Bonds," but they shall have priority over the bonds issued by said city, known as the "Troy School Refunding Bonds," and over all other bonds that may be hereafter issued by said city; and it shall be the duty of said mayor and councilmen to provide for the payment of said bonds issued under this act before providing for such bonds as have not priority over the same, as hereinabove provided.

Priority

Sec. 7. Be it further enacted, That there shall be kept by said City of Troy a bond book of record, open at any time to the inspection of any taxpayer of Troy, in which shall be briefly stated each bond issue under this act, and the disposition thereof, with its date and amount, to whom issued, and when issued, and whether in exchange for other bonds or coupons, or for money, if for exchange for

Record

other bonds or coupons, then the number and date and amount of such bonds or coupons, and if for money, the amount received.

Approved December 16th, 1898.

No. 167)

AN ACT

(H. 160

To compel the repairing of the public roads in Coosa county by persons and corporations injuring the same, and to establish a penalty for their failure to do so.

Injury to
road must
be repaired

Section 1. Be it enacted by the General Assembly of Alabama, That whenever any person or corporation shall render any road unfit for public use, it shall be the duty of such person or corporation to repair the same within ten days thereafter.

Penalty

Sec. 2. Be it further enacted, That any person or corporation who fails to comply with the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than double the reasonable cost of repairing said road.

Only applies
to Coosa
County

Sec. 3. Be it further enacted, That the provisions of this act shall only apply to the County of Coosa, and shall not apply to any bridge in said county.

Approved December 16th, 1898.

No. 169)

AN ACT

(S. 64

To confirm the incorporation of the Phoenix Club of Birmingham, Alabama, and to enlarge the powers and capacities of said club.

Name

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the Phoenix Club of Birmingham, Ala., has, under the general statutes of the State of Alabama, be and the same is hereby confirmed, and said club shall hereafter be known as the Phoenix Club of Birmingham, Alabama, and by that name it may sue and be

Rights

sued and enjoy all the rights, privileges and franchises, and exercise all the powers conferred by the general statutes under which it was originally incorporated, and by this act and by general laws relating to incorporations of this kind, and all acts done by the said club under its said name of the Phoenix Club, so far as the same were otherwise authorized by law, be and the same are hereby confirmed.

Sec. 2. Be it further enacted, That the said club shall have full power and authority to adopt such constitution and by-laws, not inconsistent with law, as may be necessary or proper to the selection of officers or agents and their terms of office, the number, reception, and expulsion or suspension of members, the regulation of fees and dues, and the collection thereof and generally, to the government of the club and management of its business, and to amend or change the same: Provided, however, that the constitution, by-laws, and regulations of said club now of force shall continue of force until the same are repealed, altered or amended. Powers

Sec. 3. Be it further enacted, That said club shall have power and authority, in addition to those already conferred upon it, to lease and purchase real estate and buildings, and to erect such buildings as may be necessary and proper for its own use, to acquire and hold such personal property as said club may see proper to acquire and hold, to operate or contract for a restaurant to be operated; to provide for and dispose of to its members, cigars, cigarettes, tobacco, spirituous, vinous or malt liquors, and such disposition shall not constitute a sale thereof, but shall be held and treated as a consumption by such members of their own property, to acquire and operate for the exclusive use of its members, billiard and pool tables, and gymnasiums, and the rooms and apartments of said club shall be the private apartments of its members, and shall not for any purpose be held or treated as a public place; and to borrow money and to secure the same by bonds and mortgages: Provided, however, that no indebtedness shall be created other than for current expenses, except by consent of two-thirds of the members of the club, given at a regular meeting, Powers

or at a meeting called for that purpose, of which meeting, and the time and place of holding the same, and the purpose for which it is called, thirty days notice must be given to each member who is at the time in the City of Birmingham, and whose place of residence is known.

Issue of

bonds

Sec. 4. Be it further enacted, That said club shall have power to ratify and confirm the issue of any bonds or other indebtedness heretofore made or contracted by said club, at any regular meeting heretofore convened, or at any special meeting called for that purpose, but if, it be at a special meeting, thirty days notice of such meeting and of the time and place of holding the same, and of the purpose for which it is called, shall be posted in the reading room of the club, and shall also be sent by mail, or served personally upon each member who is in the City of Birmingham, and whose residence is known. At such meeting, whether regular or special, if a majority of the members present shall vote for a ratification of such issue of bonds or such indebtedness, the same shall then be binding upon said club as fully as if said club had originally the power to issue bonds or contract said indebtedness.

Meaning of
term,
'member'

Sec. 5. Be it further enacted, That the term "member," as used in this act, when used in respect to the power or authority of the club to borrow money and execute bonds and mortgages, and to ratify any issue of bonds or other indebtedness heretofore made or incurred, shall not be construed to mean honorary or non-resident members, and the club shall have the right and power to prescribe the powers, rights, and privileges of all honorary or non-resident members.

Approved December 16th, 1898.

No. 171)

AN ACT

(S. 211

To incorporate the East Lake Water and Electric Company, and to confer upon said company certain corporate powers.

Section 1. Be it enacted by the General Assembly of Alabama, That T. T. Hillman, William A. Walker, Robert H. Pearson, F. D. Nabers, T. C. Thompson, and Robert Jemison, all of Jefferson county, Alabama, and such other persons as they may associate with them, their successors and assigns be, and they are hereby created and constituted a body politic and corporate, under the name and style of the East Lake Water and Electric Company, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, and may have and use the common seal, which they may alter and renew at pleasure, and may enact and execute such by-laws, rules and regulations for the government and management of the affairs of the company as they may deem expedient, and may elect or appoint such officers or agents as they may deem necessary.

Incorporators

Name

Rights

Sec. 2. Be it further enacted, That the objects and the business of said company shall be to establish water works, gas, and electric plants, and systems of sewerage in such places within the limits of Jefferson county, Alabama, and adjacent counties, as they may elect; and to send and distribute water, gas and electricity through any or all of the cities, towns, villages and mines now within or hereafter established in the territory now known as Jefferson county, and the counties adjacent thereto, and within the vicinity of said cities, towns, villages and mines along the public highways, and along and over and through the lands of said counties, and over and along and through the streets, avenues and other thorough fares of said cities, towns, villages and mines; and to construct sanitary and storm sewers and canals along and through the lands and public roads in said counties; and along through the lands, streets, avenues and alleys and other public highways in such cities, towns, villages

Business

Incorporators

and mines in said county; and to that end said corporation may purchase, hold and own, sell and lease real estate, within the County of Jefferson, and adjacent counties; and also other property of whatever description that may be necessary and expedient for the carrying on of the business of the company; and also to that end, and for that purpose the said company is hereby authorized and, by its officers and persons in its employment, to enter upon and survey and mark out or lay out any lands in Jefferson county, or adjacent counties, and between the place or places from and to which water and gas for the purpose aforesaid are to be drawn. The electric poles and lines are to be erected, or sewers constructed, and the place or plans for the distribution thereof, for the routes and course thereof, to erect poles and stretch wires for telegraph, telephone or electric lights or electric power; to dig, construct, lay or make any dam, reservoir, ditch, canal, pipes or tubes of any material or size, or aqueduct of any kind for either water, gas or sewerage purposes that said company may deem best for conducting such water, gas or such sewerage from place to place, whether in the county or in any of said cities, towns, villages or mines, and from time to time, and at any time afterwards, to enter upon, dig and work upon said lands along the aforesaid route or course for the purpose of setting, re-setting, laying, re-laying, examining, repairing, altering or amending, such poles, wires, canals, channels, pipes, tubes, aqueducts or sewers by and with the consent of the owners of such lands; and if the owner of such land cannot agree with said company for such right of way or easement, then the said company may, and is hereby authorized to condemn such right by a proceeding or proceedings had and conducted in accordance with the provisions of article 1, chapter 42, of the Code of Alabama, 1896.

What authorized to do

Sec. 3. Be it further enacted, That said company is hereby authorized to erect poles and stretch wires for the purpose of carrying out the electrical branch of its business, and to lay pipes and aqueducts for conducting its water and gas, and for sewerage purposes, and for those purposes to make

excavations and erect said poles and wires across any of the public roads of the County of Jefferson and adjacent counties, and through any of the streets, avenues, alleys, public roads and public grounds of any of the cities, towns, villages and mines now in existence or hereafter established in Jefferson and adjacent counties; by and with the consent of the board of county commissioners of the county, or the corporate authorities of any such cities, town or village.

Sec. 4. Be it further enacted, That for the purpose of carrying out the objects of its incorporation, the said company is hereby authorized, in order to obtain a water supply for its reservoir, pipes and canals, to take, divest, use and condemn the water of any of the springs, streams and creeks, and rivers, of Jefferson county and adjoining counties, and to construct dams and reservoirs, and for this purpose said company may institute proceedings of ad quod damnum against the riparian owners of all such springs, streams, creeks and rivers or lands in the Probate Court of the county in which they are situated, as a proceeding in rem against the water of said springs, streams or rivers, and riparian rights of the sub-adjacent riparian owners by a petition addressed to said Court, under and as nearly in conformity as practicable with provisions of article 1, chapter 42, of the Code of Alabama, 1896, and upon the filing of such petition the jurisdiction of the Court shall attach to the rem, and the judge thereof shall cause a monition or notice, signed by him as such judge, addressed "to all whom it may concern," to be given of the filing of said petition and of the purport in general terms thereof, to be published in some paper printed in the City of Birmingham, Alabama, for ten days prior to the day to be appointed by him for the hearing thereof; and also cause a copy of said notice, by the sheriff of the county in which such condemnation is sought, to be made in some conspicuous places at or near the place or point of such springs, streams or water courses where it is proposed to deflect said water from its natural channel, and thereafter the proceedings in said cause upon said petition shall be had and con-

Ad quod dam-
num pro-
ceedings

ducted after the manner, as near as practicable, as is provided in said article 1, chapter 42, of the Code of Alabama, 1896, except that no personal notice shall be necessary to be given to individual riparian owners adjacent to or along said springs, streams or rivers, and from any and all proceedings authorized by this section the right of appeal direct to the Supreme Court of Alabama is hereby given to any person whose rights of property are affected thereby.

Capital stock

Sec. 5. Be it further enacted, That the capital stock of said company shall be divided into shares of one hundred dollars each, amounting to fifty thousand dollars, to be increased by the issuance of additional shares to any amount not exceeding five million dollars, as the business of the company may require, and at the option of a majority in value of the stockholders; said stock may be paid either in money, property or labor, to be specified in the subscription.

Subscription
to stock

Sec. 6. Be it further enacted, That the corporators herein named, or a majority of them, after giving such notice of the time and place as they may deem sufficient, may open books for subscription to the capital stock of the company, and when one-half of the amount of the capital stock of the company shall have been subscribed for by bona fide subscribers and twenty-five per cent. of the amount so subscribed paid in or secured, the corporators may call the subscribers together by such notice as they may direct for the purpose of organization, and a majority in value of the stock subscribed being present, either in person or by proxy, they shall proceed to the organization of the company by the stockholders, electing from among their number not less than three nor more than eleven directors, to manage the affairs and business of the company until the next annual election, provided by the by-laws, and until their successors are elected and qualified. And such board shall elect a president and secretary and such other officers as the by-laws of the company may provide for. The corporators shall turn over to such board of directors all moneys, papers, books and property belonging to the company.

Sec. 7. Be it further enacted, That said company may put water, gas and electricity to all such uses in Jefferson county, and adjacent counties, as modern science and invention may warrant, and by a majority in value vote of all the stockholders in person or by proxy, the company may borrow money, to carry into effect the objects and provisions of this charter, and to issue its bonds in such amounts as a majority in value of the stockholders may direct, and to secure their payment by mortgage on the company's property and franchises. Powers

Sec. 8. Be it further enacted, That sections 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, and 1286, of the Code of Alabama, 1896, are hereby made applicable to this company, and a part of its charter, the same as though said sections were herein set out, except in so far as said sections may conflict with other provisions of this act. Applicable to

Sec. 9. Be it further enacted, That if any person or persons, shall wilfully injure, deface or destroy any electric poles, or cut or connect with or otherwise interfere with the electric wires of the company or shall injure or deface, or destroy any portion of the gas works, gas pipes, or connections, water works, reservoirs, aqueducts, sewers, canals, fixtures, or other property of said company, or shall wilfully deposit any offensive or unwholesome substance or matter in the reservoirs, pipes, or springs or streams supplying the same, or shall connect with any of the wires, or open communication with any of the sewers, or any of the pipes of the water works, or gas works, otherwise than by authority of said corporation, or its lawful or authorized agent, such other person or persons shall be guilty of a misdemeanor and subject to prosecution in any Court having jurisdiction of such offense in Jefferson or adjacent counties, and on conviction shall be fined a sum not exceeding five hundred dollars, and may be imprisoned or sentenced to hard labor for the county for not more than twelve months, at the discretion of the jury trying the same. Misdemeanor

Rights Sec. 10. Be it further enacted, That said company shall have the right to make contracts with individuals and corporations for water or gas to be supplied for domestic and all other purposes; for electricity to be supplied for lighting, power, and all other purposes to which electricity is, or may be applied, and for sewerage, both storm and sanitary, and charge for and collect such rates, and compensation therefor, as may be contracted to be paid to them; and said company shall have power to sell and transfer all or any part of its plant, property or franchises, with the consent of a majority in value of the stockholders.

Offices Sec. 11. Be it further enacted, That said company may have its principal offices either in the City of Birmingham or at East Lake, or both, and may have branch offices at other places in Jefferson and adjacent counties, and may change their principal offices at pleasure.

Repeal Sec. 12. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed, in so far as they conflict herewith.

Approved December 16th, 1898.

No. 172)

AN ACT

(S. 99

To regulate the sale of spirituous, vinous and malt liquors in the corporate limits of the Town of Guntersville, in Marshall county, Alabama.

Town license Section 1. Be it enacted by the General Assembly of Alabama, That in addition to the license now required by law to be taken out by all parties before selling spirituous, vinous or malt liquors under the requirements of the general license law of the State, no person shall sell any such liquors within the corporate limits of the Town of Guntersville, in Marshall county, Alabama, without first paying into the treasury of said town the sum of one thousand dollars (\$1,000.00) for such license, for which sum the board of mayor and councilmen of Guntersville shall issue a license which shall entitle the

licensee to sell spirituous, vinous and malt liquors, both at wholesale and at retail at one place within the corporate limits of said Town of Guntersville, under the provisions of this act for one year from the date of such license and such license shall not be issued for a longer time than one year at a time: Provided, before such license shall be issued the applicant shall give bond, with good security, to be approved by the board of mayor and councilmen of said Town of Guntersville, in the sum of one thousand dollars, payable to said Town of Guntersville, conditioned that the applicant will, during the time he is licensed, keep a decent and orderly place of business, that no boisterous or riotous or disorderly conduct will be allowed therein, and that the laws of Alabama and the ordinances of the Town of Guntersville, relating to the liquor traffic in said corporation shall be complied with by him and in case of any breach of said bond by an act intentionally done, the amount thereof shall be liquidated damages and recoverable in favor of said Town of Guntersville in the Circuit Court of Marshall county. Any person who sells any such liquors in said corporate limits of the Town of Guntersville without first complying with the provisions of this section shall be guilty of a misdemeanor and on conviction for each offense shall be fined five hundred dollars and may be sentenced to hard labor for the town for six months.

Sec. 2. Be it further enacted, That no person engaged in the liquor traffic within the corporate limits of the Town of Guntersville shall keep open doors or sell the same after nine o'clock at night or before six o'clock in the morning or on the Sabbath day, Christmas day, any election day, or at any other time that the sale of liquors is forbidden by the general law, and any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than five hundred dollars for the first conviction and for each subsequent conviction shall be fined five hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the town for not more than six months.

Selling to
minor, etc

Sec. 3. Be it further enacted, That any person licensed to sell spirituous, vinous or malt liquors within the corporate limits of the Town of Guntersville, who shall sell any such liquors to a minor or knowingly to any person for a minor, or shall sell to any person of known intemperate habits, or knowingly to any person for such intemperate person, shall be guilty of a misdemeanor and on conviction of either of such offenses mentioned in this section shall forfeit the license to sell such liquors and shall be fined five hundred dollars and be sentenced to hard labor for the town for six months and the conviction of such licensee or his employee of a violation of any provision of this section shall operate a forfeiture of such license in addition to the penalty prescribed.

Power to
regulate
and control

Sec. 4. Be it further enacted, That the board of mayor and council of Guntersville and their successors in office, shall have full power and authority to prescribe the place or places where such liquors may be sold in said town and to regulate and control the same in every way not inconsistent with the provisions of this act and the laws of the State of Alabama.

Regulations

Sec. 5. Be it further enacted, That there shall not be allowed in any house where liquors are sold in said corporate limits of the Town of Guntersville any game of any kind, and there shall not be kept in such houses any billiard, pool or any other kind of gaming table, and no place within said corporate limits of said Town of Guntersville, in which liquor is sold, shall have any screen or blind or such glass in the windows or doors as will obstruct the view from the outside or any other obstruction of the view through the doors and windows from the outside during the hours such place is kept open for business. Any person violating any provision of this section shall be guilty of a misdemeanor and on conviction shall be fined not less than one hundred dollars and not more than five hundred dollars.

Sec. 6. Be it further enacted, That no person or persons to whom license is issued shall allow drunken or disorderly persons to assemble or loiter in his place of business. Any person violating the

provisions of this section shall be guilty of a misdemeanor.

Sec. 7. Be it further enacted, That no person shall sell such liquors within the corporate limits of said town at any place that does not front and be on a level with the street.

Sec. 8. Be it further enacted, That the mayor and council of Guntersville, Alabama, be authorized, and they are empowered, to hire out such person or persons convicted by said mayor or mayor and council of Guntersville, Alabama, in such manner as the State now does, and that the signature of twenty white free house holders be required to recommend any and all applicants for license to sell liquors in the Town of Guntersville, Alabama, and all of the sums of money received from the sale of license and one-half or more of the money received from fines and from the hire of persons convicted for offenses under the provisions of this act shall be paid to the trustees of public schools in and for the district composed of that territory within the limits of the corporate lines or boundaries of Guntersville, Alabama, and said money shall be used by said trustees for the maintenance of public schools in Guntersville, Alabama, and for no other purpose. The treasurer of said town shall pay all moneys received by him for such license and at least one-half of all moneys received by him arising from convictions under this act to the trustees of public schools for said district and their receipt to him shall be his voucher, and he shall be allowed a credit therefor in a settlement with said mayor and councilmen.

Sec. 9. Be it further enacted, That if within twenty and not less than ten days before the time for the election of the mayor and councilmen of Guntersville, Alabama, a petition of as many as one-third of the registered voters within the corporate limits of said Town of Guntersville shall be lodged with the mayor of said town, praying an election as to whether license shall or shall not be issued for the term for which said mayor and councilmen are elected, it shall be the duty of the mayor then in office to have printed at the bottom of the tickets used in the ensuing election the words "for license"

Power to
hire out

Funds to
public
schools

Election

and the words "against license" and notice by posting in three public places in said town shall be given that an election will be held to determine whether or not such license shall issue, and if a majority of the voters voting at said election shall make a cross mark or X to the left and in front of the words "against license" on said ticket no license shall be issued until the next election of mayor and councilmen of said town and until a majority shall have voted as above provided "for license."

Repeal

Sec. 10. Be it further enacted, That all laws and parts of laws of whatever kind or character in conflict with the provisions of this act be and the same are hereby repealed in so far as they relate to the Town of Guntersville, as at present incorporated under the laws of this State.

Approved December 16th, 1898.

No. 173)

AN ACT

(S. 193

To provide for publication of treasurer's report of Barbour county.

Duty to publish semi-annual statements

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the treasurer of Barbour county to publish in some newspaper in said county, semi-annually, in January and July, a condensed statement of the financial transactions and standing of the county.

Pay for same

Sec. 2. Be it further enacted, That it shall be the duty of the board of revenue of said county to pay for same.

Approved December 16th, 1898.

No. 174)

AN ACT

(S. 191

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or intoxicating bitters or beverages within six miles of Dothan High School, except within the corporate limits of the Town of Dothan, in Henry county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act, it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any spirituous, vinous, or malt liquors, or intoxicating bitters or beverages of any nature within six miles of Dothan High School, except within the corporate limits of the Town of Dothan, in Henry county, Alabama. Prohibition

Sec. 2. Be it further enacted, That any person who shall violate the provisions of this act, shall be guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than one hundred dollars for the first offense, and on any subsequent convictions shall be fined not less than twenty nor more than five hundred dollars, and may be also imprisoned in the county jail, or sentenced to hard labor for the county for not more than thirty days. Penalty

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict herewith be, and the same are hereby repealed. Repeal

Approved December 16th, 1898.

No. 175)

AN ACT

S. 171

To create a separate school district for the Town of Pollard, Alabama, and to define its boundaries and provide for the maintenance of public schools therein.

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district, to

Limits of
school
district

be known as the "Pollard school district" of Escambia county, Alabama, be and the same is hereby established, to consist of all that part of Township 1, Range 9, lying within two miles of the present location of the public school building, in the Town of Pollard, and the inhabitants of said district are hereby incorporated under the name of the "Pollard school district," and under that name may exercise all the rights, powers, franchises and privileges, which are or may hereafter be necessary and proper for the successful operation of a system of public schools within said school district.

Board of
trustees

Sec. 2. Be it further enacted, That the mayor and councilmen of Pollard be and they are hereby constituted a board of trustees, with the mayor as ex-officio president thereof, which board of trustees shall take full control and management of the school or schools in said school district, and perform all the duties that are now required, or may hereafter be required of townships or district trustees under the school laws of the State and county: Provided, that said board of trustees, as constituted under this act, shall have full power to establish and require of each pupil an incidental or matriculation fee for each month or term or session, applicable to all pupils alike, payable upon admission into the school or schools of such amount as shall be sufficient when added to other available revenues of the schools, to pay the salaries of teachers and other necessary expenses, and to charge the same from time to time as the public necessities and welfare of the schools may require.

Fee from
pupils

School funds

Sec. 3. Be it further enacted, That said separate school district shall receive its share of the public school funds of the State and county, as provided for, by law in proportion to the number of children within the educational age residing in said district.

When takes
effect

Sec. 4. Be it further enacted, That the provisions of this act shall take effect immediately upon its approval by the governor.

Approved December 16th, 1898.

No. 176)

AN ACT

(S. 172

To grant authority and power to the Court of County Commissioners of the County of Escambia to levy and collect a special tax for the payment of any indebtedness due or to become due for the erection of all necessary public buildings and bridges in said county.

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners of Escambia county be and the same are hereby authorized and empowered to levy and collect a special tax not exceeding one-half of one per centum in any one year on all of the taxable property in Escambia county, for the payment and satisfaction of any debt past due or for any debt which may become due hereafter for the erection of all necessary public buildings or bridges in said county.

Sec. 2. Be it further enacted, That the assessment and collection of all taxes which may be levied by virtue of section one of this act be and shall be governed by law providing for the assessment and collection of all other county taxes in said County of Escambia.

Sec. 3. Be it further enacted, That all laws and parts of laws, general or special, in conflict with the provisions of this act be, and the same are hereby repealed.

Approved December 16th, 1898.

No. 177)

AN ACT

(H. 101

To provide for the creation of the office of auditor of Jefferson county, and to define the powers and duties thereof, and the manner of appointment and election to office.

Section 1. Be it enacted by the General Assembly of Alabama, That the office of auditor of Jefferson county be, and the same is hereby created. That within ten days after the passage and approval of this act, the governor shall appoint a person to perform the duties of said office, who shall be an expert accountant of known integrity and skill, a resident of said county, who has not within six years next preceding his appointment held any office subject to be examined or audited under this act. Said auditor shall hold his office until September 1st, 1902, or until his successor is elected and qualified. His successor shall be elected at the general election in 1902, as all other county officers are now elected, and shall hold his office for the term of four years, or until his successor is elected and qualified. Said auditor shall receive as a salary the sum of eighteen hundred dollars (\$1800) per annum, to be paid monthly by the county treasurer out of the general fund of the county. Said auditor shall also, when directed by the governor, examine any of the books of the county officials for the State, and for such services shall receive the same compensation as State examiner receive for similar services, to be paid upon the order of the governor out of the general fund of the State.

Sec. 2. Be it further enacted, That said auditor shall have full power and authority to audit and examine from time to time the books, records and vouchers of all State and county officers in Jefferson county, appointive, or elective by the popular vote of said county, of their clerks, deputies and appointees, of the solicitors of the several Courts held in said county, and ex-officio justices of the peace in said county. In auditing and examining

Governor to
appointElection of
successor

Salary

Duties

Powers and
authority

said books, records and vouchers, he shall go back as far as he may deem advisable, or as far as he may be directed by the grand jury of said county, and in the exercise of such authority he is hereby empowered to issue subpoenas for witnesses whom he may deem necessary to examine, to administer oaths to them, and to compel their attendance, and he shall have full authority in the exercise of his duties to require officers and their clerks, whose books and accounts are to be examined, to produce all records and all papers pertaining to their offices, and to give all information, under oath, that he may ask for, concerning them or any matters pertaining to their respective offices. When any officer or clerk refuses to comply with the requirements of this section, or any witness fails to attend when summoned, or refuses to testify, the auditor must report the fact to the circuit or city judges, or chancellor having jurisdiction in said county, who shall immediately issue a rule to such officer, clerk or witness, to show cause why he should not be committed to jail as for contempt. On the day fixed in said rule, if such has been served, the judge or chancellor must examine such officer, clerk or witness, and unless some lawful reason is shown for such default or refusal, must commit such offending person to jail until he gives the information, furnishes the records called for, or testifies as required by law. Penalty

Sec. 3. Be it further enacted, That the auditor shall inspect the fiscal affairs of the county and make such reports to the State auditor and grand jury as the public interests may require. He shall, with the approval of the State auditor, and in accordance with the existing laws, prescribe the forms to be used by all county officers in collecting and in keeping the accounts of and making returns of the county revenues: Provided, that the forms once prescribed shall not be changed during any fiscal year. Reports
Forms

Sec. 4. Be it further enacted, That he shall require all claims of county officials against the

Claims
against coun-
ty

county to be accurately and fully itemized and accompanied by the affidavit of the claimant, stating the correctness of same, and that no portion of the account has been paid.

Books and
statements

Sec. 5. Be it further enacted, That he shall keep such general books as may be necessary in the proper conduct of the work in his office, and as soon as practicable after the 30th day of September in each year, which date shall close the fiscal year of the county, publish a comprehensive statement of the fiscal affairs of the county, together with such comments and recommendations as he may deem of interest to the public.

Tax books

Sec. 6. Be it further enacted, That he shall inspect and verify the abstracting and indexing of the county tax books each year, as well as other clerical work done for the county.

Office for

Sec. 7. Be it further enacted, That it shall be the duty of the county commissioners to provide an office for said auditor, with suitable furnishings, together with such books and stationery as he may from time to time require.

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Oath and
bond

Sec. 8. Be it further enacted, That the auditor before entering upon the duties of his office must take the oath of office prescribed by the Constitution, and give bond in the amount of five thousand (5,000) dollars, with good and sufficient sureties, and payable and conditioned as official bonds of other public officers, and such bond must be approved by and with the oath of office filed and recorded in the office of the probate judge of Jefferson county within thirty days after the appointment of the auditor, whereupon he is required to enter upon his official duties.

Approved January 25th, 1899.

No. 178)

AN ACT

(H. 598)

To prohibit the sale or giving away of vinous, spirituous or malt liquors or intoxicating bitters or beverages within six miles of the Baptist church in Ashford, Henry county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, or intoxicating bitters or beverages of any nature, within six miles of the Missionary Baptist church at Ashford, Henry county, Alabama. Prohibition

Sec. 2. Be it further enacted, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum of not less than fifty, nor more than five hundred dollars, and may be sentenced to hard labor for the county for a term not exceeding twelve months, at the discretion of the Court or jury trying the same. Penalty

Approved January 25th, 1899.

No. 179)

AN ACT

(H. 362)

To incorporate the Falkville Normal College, of Falkville, Morgan county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That M. F. Patterson, S. J. Patterson, D. O. Stenson, E. L. Hayes, and D. F. Greene, and their successors in office be, and are hereby created a corporation and body politic, to be known as the board of directors of the Falkville Normal College, of Falkville, Morgan county, Alabama, and by that name and style shall have full power and authority to sue Incorporation

Name

Rights

and be sued, to plead and be impleaded, in all kinds of actions in law or equity, to have a common seal, with such device or devices as they may deem best; to receive donations, devices and bequests, and to acquire property, real and personal, the same to have and to hold, for the purposes and benefit of said institution of learning; to borrow funds and raise money for the benefit of said institution, and to sell alien and dispose of such property, and to secure all indebtedness by mortgage on said property so acquired.

Officers

Sec. 2. Be it further enacted, That said directors are hereby constituted a board of directors for said school, and shall elect annually from their own number, a president of the board, also, a secretary and treasurer, who must be a member of the board, and shall, in case of vacancy, promptly fill the same. The board may elect at will such officers and appoint such agents, and employ such employes, as they may deem necessary to the proper organization and management of the trust herein confided, with power to control or dismiss any of the agents or employes. The board shall have power to elect the teachers of said school, one of whom they shall make president. They shall also have power to determine the salaries to be paid said teachers.

Faculty

Sec. 3. Be it further enacted, That the president and teachers of said school shall constitute the faculty of the same, who shall in consultation with the board of directors and with their approval, make all necessary rules for the government of said school, determine the rates of tuition and the curriculum of study.

Diplomas, etc

Sec. 4. Be it further enacted, That the directors and president of the faculty are authorized and empowered to grant, or confer diplomas, degrees and certificates, of scholarship, to any of the students, who may complete the prescribed course of instruction in said school.

Exempt from
tax

Sec. 5. Be it further enacted, That all of said school property, real and personal, shall be and the same is hereby exempt from taxation.

Approved January 25th, 1899.

No. 181)

AN ACT

(H. 6.

To divide the County of Chilton into four commissioner's districts, and to fix the term of office of the County Commissioners of said County.

Section 1. Be it enacted by the General Assembly of Alabama, That Chilton county be and the same is hereby divided into four commissioners' districts to be known as the First, Second, Third and Fourth commissioner's districts, and that the First district shall embrace that portion of the county now known as precincts number one and two, and the Second district shall embrace precincts number three and nine, and the Third district shall embrace precincts number seven and eight, and the Fourth district shall embrace precincts number four, five and six. Four districts

Sec. 2. Be it further enacted, That on the first Monday in August, 1900, there shall be elected a county commissioner from each the Third and Fourth districts, whose term of office shall be four years, and that there shall also be elected at said election a county commissioner from each the First and Second district, whose term of office shall be two years. Election

Sec. 3. Be it further enacted, That beginning with the county commissioners elected in August, 1902, from the First and Second districts, that the term of office of the county commissioners elected from all the districts shall be four years from their election: Provided that two of the said county commissioners shall be elected every two years after the election in August, 1900. Terms

Sec. 4. Be it further enacted, That all laws in conflict with this act be and the same are hereby repealed. Repeal

Approved January 27th, 1899.

No. 184)

AN ACT

H. 333

To amend Section 3520 of the Code so far as it relates to Henry county.

Requirements
for license

Section 1. Be it enacted by the General Assembly of Alabama, That section 3520 of the Code be amended so far as the same relates to Henry county, so as to read as follows: No license must be granted to sell vinous, spirituous or malt liquors unless the applicant produce to the satisfaction of the judge of probate of the county, or the person authorized by law to grant such license, the recommendation of a majority of the legal electors residing in the election precinct where such person desires to sell such vinous, spirituous or malt liquors.

Signatures

Sec. 2. Be it further enacted, That the person presenting the recommendation referred to in section one (1) of this act shall furnish satisfactory evidence to the judge of probate, or to the person authorized by law to grant such license, that the signatures to said recommendation are genuine, and that said signers are resident legal electors of the election precinct in which such applicant proposes to sell such vinous or spirituous liquors.

Repeal

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed, so far as the same relates to Henry county.

Approved January 27th, 1899.

No. 185)

AN ACT

(H. 213

To amend an act to regulate the trials of misdemeanors in Sumter county, approved December 8th, 1882.

Be it enacted by the General Assembly of Alabama, That the act entitled an act to regulate the

trials of misdemeanors in Sumter county be amended so that said act will read as follows:

Section 1. Be it enacted that the County Court of Sumter county shall have jurisdiction of all misdemeanors committed in said county except for violations of the revenue laws of the State of Alabama. Jurisdiction

Sec. 2. Be it further enacted, That at each term of the Circuit Court of said county, it shall be the duty of the presiding judge thereof, upon the day of adjournment of said Court, to make an order upon the minutes of said Court, directing and requiring the clerk of said Circuit Court, to deliver to the judge of said County Court, all indictments then pending and untried in said Circuit Court against persons charged with the commission of misdemeanors, excepting violations of the revenue law, together with all papers and a certified copy of all docket entries and minutes of proceedings had there in said Circuit Court, and upon the transfer and delivery of the same, the jurisdiction of said Circuit Court shall cease, and exclusive jurisdiction thereof shall vest in said County Court, unless retransferred to said Circuit Court, as hereinafter provided. Duty of
circuit judge

Sec. 3. Be it further enacted, That prosecutions may be instituted or commenced in said County Court as is now provided by law in County Courts, to be thereafter subject to the provisions of this act. Prosecutions

Sec. 4. Be it further enacted, That the clerk of the Circuit Court shall be ex-officio clerk of the County Court, and the practice and proceedings therein shall conform to the practice and proceedings of the Circuit Courts of this State, except as herein modifying. Clerk

Sec. 5. Be it further enacted, That the time and places of holding said Court shall be as follows: On the first Monday in April, 1883, the county judge shall open said Court at Livingston, in the courthouse of said county, and shall hold said Court open for one week, or until the business before Time and
place of hold-
ing court

him is disposed of; if disposed of in less than one week. At such term he shall try persons charged with misdemeanors, excepting violations of the revenue laws, which have been committed south of the township line that divides township 20 and 21 in said county, and on the first Monday in May, 1883, said judge shall open said Court at Gainesville, in said county, at such convenient place in said town as he may be able to procure, and shall hold said Court open for one week or until the business before him is disposed of, if disposed of in less than one week. At such time he shall try persons charged with misdemeanors, excepting violations of the revenue law, which have been committed on or north of the township line that divides township 20 and 21 in said county: Provided, that all persons confined in jail for misdemeanors shall be tried at Livingston without regard to the place of the commission of the offense. The said judge shall thereafter thus alternate with monthly courts, holding Court at Livingston one week of one month and at Gainesville one week of another month, and so on. He can adjourn said Court at any time when the business before him is disposed of, but must not hold longer than one week at each term.

Alabama

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Trial by jury

Sec. 6. Be it further enacted, That any person charged with a misdemeanor, excepting violation of the revenue law, either by complaint or indictment, shall be entitled to a trial by jury, but should he waive the same, the Court shall make an entry thereof on the record, and shall proceed to hear and determine the case; but if a jury is demanded, and in no other case, the Court shall make an entry of record in said cause, that the defendant demanded a jury, and upon said entry of a demand for a jury, the clerk of the County Court shall transfer the indictment and complaint, as the case may be, to the Circuit Court, together with a certified copy of all docket entries and minutes of proceedings made in said cause to said Circuit Court, and upon said transfer of the indictment or complaint, and certificate of the

docket entries and minutes of the proceedings made therein, the jurisdiction of said Circuit Court shall attach in said cause, and the jurisdiction of said County Court shall cease and terminate, and the cause shall stand regularly for trial in said Circuit Court; and it is further provided, that unless a jury is demanded by the defendant at the first term of the County Court at which the defendant is present, he shall be deemed to have waived a trial by jury.

Sec. 7. Be it further enacted, That all indictments for misdemeanors, excepting violations of the revenue law, that may hereafter be preferred by the grand juries of said county, must be returned by the clerk of the said Circuit Court to the judge of said County Court, and be by the clerk of the Circuit Court, as ex-officio clerk of the County Court, filed in said County Court. Process must be issued by said clerk, and the said indictment and prosecutions commenced by affidavit, and all proceedings had in such cases as is now had in the Circuit Courts, except as may be modified herein. Indictments

Sec. 8. Be it further enacted, That when the grand juries of said county shall find indictments in misdemeanor cases, excepting violations of the revenue laws, they, by their foreman, shall make an indorsement upon each indictment, showing whether said misdemeanor was committed north or south of said township line. The indorsement shall be "Committed in the Northern District," or, "Committed in the Southern District," as the case may be; and when prosecutions are commenced in said county by affidavit, said affidavit shall state whether the offense was committed north or south or said township line. Form of
indictment

Sec. 9. Be it further enacted, That the clerk of the Circuit Court, as ex-officio clerk of the County Court, must prepare and keep for said County Court two separate dockets, on one of which must be entered the misdemeanors to be tried at Livingston; on the other must be entered the misdemeanors triable at Gainesville; and he must attend said Dockets

Court at its regular sessions, either in person or by deputy.

Appeals

Sec. 10. Be it further enacted, That all appeals from said County Court shall be to the Supreme Court of the State of Alabama, and that the laws now in force or that may hereafter be enacted, governing or applying to appeals to misdemeanors from the Circuit Court of the shall apply to appeals from said County Court.

Solicitor

Sec. 11. Be it further enacted, That the solicitor of the circuit in which said County of Sumter is, or may hereafter be, shall be the prosecuting officer before the said County Court, and all laws applying to his duties as such officer in the Circuit Court shall apply to said County Court, and that his fees in the said County Court shall be the same as in the Circuit Court: Provided, however, that the said circuit solicitor may appoint a permanent deputy solicitor, who shall be governed by the same laws applicable to circuit solicitors, and require the same fees and commissions, but shall not take any defenses in any criminal causes in said county.

Where
offenses
triable

Sec. 12. Be it further enacted, That offenses committed within one-quarter of a mile of said township line, and divides townships 20 and 21 are triable in either Court, the one held at Livingston, or the one held at Gainesville, and should any misdemeanor committed in the county be placed upon the wrong docket for trial by mistake or otherwise, the defendant must take advantage of the same by sworn plea to the jurisdiction of the Court, before he goes into trial, else he shall be considered as having waived the same, and the Court shall have jurisdiction to try such case, but should such a plea be interposed and sustained, the case shall not be dismissed, but the Court shall thereupon transfer such case to the proper docket for trial.

Duty of clerk

Sec. 13. Be it further enacted, That the clerk, in docketing those caused to be transferred from the Circuit Court, where indictments have already been found before the passage of this act, shall place them upon the Livingston or Gainesville docket, being governed therein by the best information he

can get, as to the locality of the commission of the offense. If north of said line, on the Gainesville docket; if south, on the Livingston docket; and such disposition by said clerk as to these cases shall give jurisdiction to the Court to try them, as placed upon said docket, and no plea to the jurisdiction shall be interposed.

Sec. 14. Be it further enacted, That the fees of judge of said Court shall be the same as is now or may hereafter be provided for the judges of the County Courts of the State, and the fees of the clerk of said County Court shall be the same as now or may hereafter be allowed to the clerks of the Circuit Courts; that the fees of the sheriff shall be the same as is now or may hereafter be allowed in the Circuit Court; that jurors and witnesses' fees shall be the same as is now or may hereafter be allowed in the Circuit Court of the State; all fees payable as they are now payable by the law in the Circuit Courts. ^{Fees}

Sec. 15. Be it further enacted, That all appeals by defendants from trials in criminal causes for misdemeanors from justices of the peace or notaries public with powers of justices of the peace, shall be taken to the County Court, to be held at Livingston or Gainesville, as the case may be. ^{Appeals}

Sec. 16. Be it further enacted, That all laws and parts of laws in conflict herewith be, and the same are hereby repealed. ^{Repeal} Approved December 8, 1882.

Approved January 27th, 1899.

No. 186)

AN ACT

(H. 103

To incorporate the Birmingham Tube and Steel Company.

Section 1. Be it enacted by the General Assembly of Alabama, That Erskin Ramsey, C. A. Nolan and G. B. McCormack and their associates, successors and assigns, be and they are hereby created a body ^{Incorporators}

Name

corporate, under the name and style of the Birmingham Tube and Steel Company, and in and by that name and title shall have perpetual succession as a body corporate, and may sue and be sued, plead and be impleaded, borrow money and execute notes therefor, contract and be contracted with, adopt, use and alter at will a corporate seal, and exercise all the rights and franchises hereinafter granted.

Capital stock

Sec. 2. Be it further enacted, That the capital stock of said corporation shall be fifty thousand dollars; but the corporation shall have the right, after its organization, to increase its capital stock from time to time, as the majority in value of the stockholders thereof in convention assembled shall determine, not to exceed the sum of fifty millions of dollars.

Sec. 3. Be it further enacted, That the stock of said company shall be divided into shares of one hundred dollars, and in all meetings and conventions of the stockholders, each stockholder shall be entitled to cast, in person or by duly appointed proxy, one vote for each share of stock owned by such stockholder. Executors and administrators shall have power to represent the stock of his, her or their testators or intestates, and guardians and trustees shall have power to represent the stock of their wards and cestui que trust.

Subscriptions

Sec. 4. Be it further enacted, That the persons named as corporators in the first section of this act, or a majority of them, and such persons as shall join and become associated with them in the premises, shall meet at such time and place, in the City of Birmingham, or at such other place in this State as they shall designate and appoint, and at such appointed time and place shall proceed to take and receive subscriptions to the capital stock of said company, payable in such time and manner as may be agreed upon by and between the majority of said corporators and associates acting with them, and the party or parties who may desire and propose to take stock in said company, which bus-

iness may be transacted or completed at any subsequent adjourned meeting or meetings, as may be deemed necessary, if not completed at the first meeting.

Sec. 5. Be it further enacted, That when as much as fifty thousand dollars shall have been subscribed, as authorized in the last preceding section, to the capital stock of said company, then, at such time and place in the State of Alabama, as may be determined by a majority in interest of the subscribers to the said stock, there shall be a meeting of the said subscribers for the purpose of organizing the said company, by the election of a board of directors. Said board of directors shall be in number not less than three nor more than fifteen, as from time to time may be provided by the by-laws of said company, and said directors shall be chosen originally from the subscribers to the stock by ballot. The officers of said company shall be a president, and secretary and treasurer, and such other officers as the board may deem necessary. The president of said company shall be elected by the board of directors from their own number, and the board of directors shall also select the other officers, and fix the compensation or salary of the president and officers. The president so chosen shall continue in office until the election of his successor, and the directors shall continue in office until the election of their successors by the subsequent convention of the stockholders, the time and place of holding which shall be designated by the meeting at which such directors are elected, or on its failure to do so, the time and place of such convention shall be fixed by the board of directors, of which the stockholders shall have such notice as the board shall direct. The election of such directors and president, as provided above, shall constitute the organization of said company: Provided, That before such organization shall be perfected there shall be paid to the treasurer of the company not less than one per cent. in cash upon the amount sub-

Organization

Officers

scribed, in pursuance of the fourth section of this act, to the capital stock of the company.

Increase of
capital stock

Sec. 6. Be it further enacted, That after the organization of said company, its capital stock may be increased by and with the consent of the persons holding the larger amount in value of its stock first obtained, at a meeting of the stockholders of said corporation convened for the purpose of voting upon the proposition, to be held after thirty days' notice, given by publication in some newspaper of general circulation published in the county where such corporation has its principal office, a copy of which shall be mailed to each stockholder, which notice shall explicitly state what increase is proposed to be made to the capital stock. If, at the meeting called in pursuance of this notice, the consent of the persons holding the larger amount in value of the stock of such corporation shall be obtained to a specified increase of the capital stock, a report specifying the amount of increase consented to shall be made to the secretary of state. The said corporation shall have the right, from time to time, to increase its capital stock, and to take and receive additional subscriptions to its capital stock from time to time, and in doing so may, as it may deem proper and advantageous, receive such additional subscriptions, payable in whole or in part in real or in personal property, or in stock, bonds, rights or franchises of other corporations, and may take and receive proper conveyances and transfers of such real estate and personal property in payment of such subscriptions for stock.

Annual meet-
ings

Sec. 7. Be it further enacted, That there shall be annual meetings or conventions of the stockholders of said company, at the principal office of the company at Birmingham, Alabama, or at some other place equally convenient to the stockholders, to be fixed by the board of directors, for the election of the president and directors, and for the transaction of such other business relating to the interest of the company as such conventions, when assembled, shall deem necessary or proper, of

which convention such notice shall be given to the stockholder as said company, by by-laws or otherwise, may prescribe, or as may be directed by the board of directors on omission of the company to prescribe such notice: Provided, That omission or failure to hold any such convention within the time prescribed shall not have the effect to cause a dissolution or discontinuance of such company. In any convention of its stockholders, a majority in value of the stock held or owned in said company by stockholders in person, or by their duly constituted proxies or agents, shall constitute a quorum competent to transact business binding on the company and its stockholders. The number of directors shall continue, as provided in the fifth section of this act, until otherwise provided by the company, and the company shall have power to increase or diminish this number from time to time, as shall be deemed proper. The president and directors shall be elected for the term of one year, but may continue in office thereafter until the election and qualification of their successors. Any vacancy in the office of president or directors may be filled by the board of directors, a majority of whom will constitute a quorum for the transaction of business. Said company acting by its stockholders in convention shall have power to enact all such rules and by-laws as may be deemed needful and proper for the management and carrying on its business, and may elect or appoint all such officers, other than president and directors, as may be deemed necessary or proper, and fix the tenure and qualifications of each, and prescribe rules for the transfer of stock by the respective stockholders.

Sec. 8. Be it further enacted, That the business of said company is hereby declared to be, and shall be, the mining and sale of iron ores and coal, limestone and other minerals, the production, manufacture and sale of coke, iron and steel in their crude and finished state, and the manufacture of any product from iron and steel, including tubes, rails, boiler plates, armor plates, and any and all pro-

Kind of
business

ducts that may be manufactured of iron and steel, or that may be used in the building of ships; and the said company shall have the right and power to build ships and operate lines of steamships, tugboats or barges; and said company shall have the right and power to conduct stores and sell merchandise of any and every kind of description, and said company shall have the right and power to buy land, either mineral or otherwise, and to lay off its lands into lots and parcels, and to lease, sell, donate and convey the same; make sales, donations or loans of any of its lands or other property, money or effects to individuals or to other corporations; to build and construct tramways or railroads, and operate the same, charging for carriage and transportation reasonable fare or tolls, and use such motive power as may be deemed best, on the property of said company or over such lines. Said company shall have the right and power to acquire and operate plants for manufacturing tubes for boilers and all other purposes, furnaces, steel plants, mills, factories, machine shops, foundries and other industrial enterprises. Said company shall have the right and power to invest its funds or property in the capital stock of, and become a stockholder in, any other corporation formed or to be formed, or in any bonds of such corporations, and to retain or dispose of such stock in whole or in part at pleasure; to lease, construct and operate or to assist persons or corporations in such manner as said company may deem desirable in leasing, constructing and operating furnaces, factories, foundries or other industrial enterprises; to acquire, own, rent and sell houses and other improvements, and to improve its lands in such manner as it may deem fit. Said company shall have the right and power in accordance with the statutes of this State authorizing land to be condemned by writ of ad quod damnum, to condemn such property and rights of way as may be necessary to enable said company to construct, erect and operate railroads and tramways.

Right of way

Sec. 9. Be it further enacted, That the said Birmingham Tube and Steel Company is authorized and empowered to consolidate and amalgamate itself with other corporation or corporations, by a two-thirds vote of the stockholders of each such corporations, and form one general company under such name and style as may be agreed upon, and to issue and apportion the stock of such consolidated corporations as may be agreed upon by said two-thirds of the stockholders in each of said corporations, and to take up, if deemed proper and best, the individual stock of each company and to replace it with stock of the general company, in such manner and amount as may be agreed upon by said two-thirds of the stockholders: Provided, That such amalgamated company shall keep an office in the State of Alabama, and thereupon such general company shall be invested with all the powers and franchises theretofore belonging to each and all of the several corporations so consolidating or amalgamating; provided further, that the rights and remedies of creditors shall not be affected by such consolidation.

May consoli-
date

Sec. 10. Be it further enacted, That said corporation shall have the power to unite, consolidate or connect the railways owned, operated or controlled by it with any line of railways constructed or which may be constructed in this State upon such terms as may be agreed upon between it and such other railway company; and for this purpose power is hereby granted to it and to any other railway incorporated in this State to make and carry out such contracts by lease, purchase or otherwise as will facilitate and consummate such connection or consolidation.

Connect with
other lines

Sec. 11. Be it further enacted, That the said corporation, by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy, at any meeting of said stockholders, duly and legally called by the board of directors of said company for that purpose, shall have the power and authority which is

May issue
bonds

hereby given to it, to make and issue its bonds, for such sums and in such amounts and payable at such time or times as said stockholders may determine, which said bonds shall bear such rate of interest not exceeding eight per cent. per annum, as the stockholders may deem best. And to secure the payment of said bonds and the interest thereon, the said corporation is hereby given power to execute a mortgage or deed of trust in its corporate name and under its corporate seal, upon all the property of said corporation, including its franchises, or such part thereof as the said stockholders may determine best; said bonds and deed of trust to be signed by the president, countersigned by the secretary of said company, and sealed with the seal of said corporation, and the said company is hereby authorized to sell, exchange, hypothecate and dispose of its said bonds for its purposes as the directors may think best, or to pay the same for personal or real property, rights or franchises purchased by said company on such terms as the board of directors may deem best for the company.

Preferred

stock

Sec. 12. Be it further enacted, That the said corporation may issue also preferred stock in such sums and for such an amount and on such terms and conditions and with such rights and privileges as the owners of two-thirds in value of the stock of said company, in convention assembled, shall determine; and thereafter the said company shall not have the power to change or abridge the conditions, rights or privileges thus accorded to the holders of the preferred stock, or to do any act that will impair the value or security of such preferred stock without the consent of the holders of the same.

Sec. 13. Be it further enacted, That said corporation shall have the right to lease and purchase, and to hold and own the real, personal or mixed property, or stock or franchises of other corporations engaged in any similar business; and said corporation may pay for the same in money, bonds, notes, or by an issue of its own stock, either common or preferred, on such terms and in such amounts, and upon such conditions as such corporation may deem best, acting by and through its

stockholders in convention assembled, or by its board of directors, they having been duly authorized to act in the premises.

Sec. 14. Be it further enacted, That said corporation is authorized to constitute and establish an agency or agencies outside of this State for the transfer of the shares of its capital stock, and to enact all laws necessary to provide for the transfer of said shares by such agency or agencies. Agencies

Sec. 15. Be it further enacted, That said corporation may, at any time, amend its charter by changing the name of said corporation, by filing in the office of secretary of state a declaration in writing signed by not less than three-fourths in number of the stockholders holding not less than two-thirds in value of the stock thereof, verified by the affidavit of one or more of the signers, said declaration to state the name of the corporation, and what change is desired. Change of
name

No. 187)

AN ACT

(H. 41

To remove the disabilities of the chancellor for the Southwestern Chancery Division of Alabama, in cause No. 3740, pending in the Thirteenth district of said Chancery division.

Section 1. Be it enacted by the General Assembly of Alabama, That the chancellor for the Southwestern chancery division of Alabama shall not be disqualified from sitting as such chancellor in cause No. 3740, upon the docket of the Chancery Court for the Thirteenth district of said division, and there styled L. M. Wilson, et al., commissioner, against the president and directors of the Bank of Mobile, et al., because of any relationship by consanguinity or affinity that may exist between such chancellor and any party or parties to said cause, or because he may have been of counsel in said cause, or because the validity of any judgment or judicial proceedings in which he was of counsel, Qualified to
sit in cause,
No. 3740

or the validity or construction of any instrument or paper prepared or signed by him as counsel or attorney, may be called in question in said cause.

Approved January 27th, 1899.

No. 188)

AN ACT

(H. 105

To confirm, amend and enlarge the charter of the Birmingham Traction Company, a corporation created under the general incorporation laws.

Whereas, The railroad formerly belonging to the East Birmingham Land Company, which company's name was afterwards changed to East Birmingham Land and Railroad Company, and which said railroad was afterwards known as the Birmingham and Gate City Railroad, together with all of the property of every kind and description used in connection therewith; and also all the franchises, rights, privileges and easements belonging to said East Birmingham Land Company and said East Birmingham Land and Railroad Company, in connection with said railroad or any extension or extensions thereof, or in any way relating thereto, were sold under and by virtue of certain judicial proceedings in foreclosure, and purchased by and conveyed to the incorporators of the Birmingham Traction Company; and,

Whereas, Said purchasers of said railroad and said rights, easements and franchises, duly incorporated themselves under the statutes in such cases made and provided as the Birmingham Traction Company, and conveyed to said Birmingham Traction Company all of said railroad, property, rights, easements and franchises; therefore,

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization of the Birmingham Traction Company be and the same are hereby, in all respects, ratified and confirmed.

Ratified

Sec. 2. Be it further enacted, That all the rights, powers, easements and franchises formerly conferred upon, held, owned or used by the East Birmingham Land Company and the East Birmingham Land and Railroad Company, in any manner connected with or appurtenant to the said railroad, or any extension or extensions thereof, are declared to be transferred to and vested in said Birmingham Traction Company by said purchase and conveyance.

Rights and
powers

Sec. 3. Be it further enacted, That the Birmingham Traction Company is hereby authorized and empowered to construct, maintain and operate, in addition to the lines it is now operating and maintaining, and has the power to construct, maintain and operate lines of railway in and through any and all portions of the County of Jefferson, and the territory adjacent to the City of Birmingham: Provided, That it shall not construct any of its lines of railway within the limits of any incorporated town or city in such county or territory without the consent of the local authorities of such town or city.

Authority

Sec. 4. Be it further enacted, That the Birmingham Traction Company may, at a meeting of the stockholders called for that purpose, issue bonds in a sum not exceeding five hundred thousand dollars (\$500,000); thirty days' notice of the time and place of such meeting, and of the purpose for which it is called, must be given by publication for four consecutive weeks in some newspaper published in the City of Birmingham, and such issue of bonds can be made only by the vote at such meeting of the persons holding the larger amount in value of the capital stock.

May issue
bonds

Sec. 5. Be it further enacted, That the capital stock of the Birmingham Traction Company may be increased from time to time to an amount not exceeding five hundred thousand dollars (\$500,000), by the vote of the persons holding the larger amount in value of the stock, at a meeting of the stockholders called for that purpose, of which meeting, and the purpose for which it is called, thirty

Increase of
stock

days' notice must be given by publication for four consecutive weeks in some newspaper published in the City of Birmingham.

Approved January 27th, 1899.

No. 189)

AN ACT

(H. 99

To incorporate the Ensley Steel and Pipe Company.

Incorporators	Section 1. Be it enacted by the General Assembly of Alabama, That Nathaniel Baxter, Jr., James Bowron and G. B. McCormack, and their associates, successors and assigns, be, and they are hereby
Name	created a body corporate, under the name and style of the Ensley Steel and Pipe Company, and in and by that name and title shall have perpetual succession as a body corporate, and may sue and
Rights	be sued, plead and be impleaded, borrow money and execute notes therefor, contract and be contracted with, adopt, use and alter at will a corporate seal, and exercise all the rights and franchises herein-
Capital stock	after granted. Sec. 2. Be it further enacted, That the capital stock of the said corporation shall be fifty thousand dollars, but the corporation shall have the right, after its organization, to increase its capital stock from time to time, as the majority in value of the stockholders thereof, in convention assembled, shall determine, not to exceed the sum of fifty millions of dollars.
Votes	Sec. 3. Be it further enacted, That the stock of said company shall be divided into shares of one hundred dollars, and in all meetings and conventions of the stockholders each stockholder shall be entitled to cast, in person or by duly appointed proxy, one vote for each share of stock owned by such stockholder. Executors and administrators shall have the power to represent the stock of his, her or their testators or intestate; and guardians and trustees shall have power to represent the stock of their wards and cestui que trust.

Sec. 4. Be it further enacted, That the persons named as corporators in the first section of this act, or a majority of them, and such persons as shall join and become associated with them in the premises, shall meet at such time and place, in the City of Birmingham, or at such other place in this State as they shall designate and appoint, and at such appointed time and place shall proceed to take and receive subscriptions to the capital stock of said company, payable in such time and manner as may be agreed on by and between the majority of said corporators and associates acting with them, and the party or parties who may desire and propose to take the stock in said company, which business may be transacted or completed at any subsequent adjourned meeting or meetings, as may be deemed necessary, if not completed at the first meeting. Subscriptions

Sec. 5. Be it further enacted, That when as much as fifty thousand dollars shall have been subscribed, as authorized in the last preceding section, to the capital stock of said company, then, at such time and place in said State of Alabama as may be determined by a majority in the interest of the subscribers to the said stock, there shall be a meeting of the said subscribers for the purpose of organizing the said company, by the election of a board of directors. Said board of directors shall be in number not less than three nor more than fifteen, as from time to time may be provided by the by-laws of said company, and said directors shall be chosen originally from the subscribers to the stock by ballot. The officers of said company shall be a president and secretary and treasurer, and such other officers as the board may deem necessary. The president of said company shall be elected by the board of directors from their own number, and the board of directors shall also select the other officers, and fix the compensation or salary of the president and officers. The president so chosen shall continue in office until the election of his successor, and the directors shall continue in office until the election of their successors by the subsequent convention of the stockholders, the time and place of holding Organization

which shall be designated by the meeting at which such directors are elected, or on its failure to do so, the time and place of such convention shall be fixed by the board of directors, of which the stockholders shall have such notice as the board shall direct. The election of such directors and president, as provided above, shall constitute the organization of said company: Provided, That before such organization shall be perfected, there shall be paid to the treasurer of the company not less than one per cent. in cash upon the amount subscribed, in pursuance of the fourth section of this act, to the capital stock of the company.

Increase of
capital stock

Sec. 6. Be it further enacted, That after the organization of said company, its capital stock may be increased, by and with the consent of the persons holding the larger amount in value of its stock first obtained, at a meeting of the stockholders of said corporation, convened for the purpose of voting upon the proposition, to be held after 30 days' notice, given by publication in some newspaper of general circulation published in the county where such corporation has its principal office, a copy of which shall be mailed to each stockholder, which notice shall explicitly state what increase is proposed to be made to the capital stock. If, at the meeting called in pursuance of this notice, the consent of the persons holding the larger amount in value of the stock of such corporation shall be obtained to a specified increase of the capital stock, a report, specifying the amount of increase consented to shall be made to the secretary of State, The said corporation shall have the right from time to time to increase its capital stock, and to take and receive additional subscriptions to its capital stock from time to time, and in doing so may, as it may deem proper and advantageous, receive such additional subscriptions, payable in whole or in part in real or in personal property, or in stocks, bonds, rights or franchises of other corporations, and may take and receive proper conveyances and transfers of such real estate and personal property in payment of such subscriptions for stock.

Sec. 7. Be it further enacted, That there shall be annual meetings or conventions of the stockholders of said company, at the principal office of the company, at Birmingham, Alabama, or at some other place equally convenient to the stockholders, to be fixed by the board of directors, for the election of the president and directors, and for the transaction of such other business relating to the interest of the company as such conventions, when assembled, shall deem necessary or proper, of which convention such notice shall be given to the stockholders as said company, by by-laws or otherwise, may prescribe, or as may be directed by the board of directors on omission of the company to prescribe such notice: Provided, That omission or failure to hold any such convention within the time prescribed shall not have the effect to cause a dissolution or discontinuance of such company. In any convention of its stockholders a majority in value of the stock held or owned in said company by stockholders in person, or by their duly constituted proxies or agents, shall constitute a quorum competent to transact business binding on the company and its stockholders. The number of directors shall continue, as provided in the fifth section of this act, until otherwise provided by the company, and the company shall have power to increase or diminish this number from time to time as shall be deemed proper. The president and directors shall be elected for the term of one year, but may continue in office thereafter until the election and qualification of their successors. Any vacancy in the office of president or directors may be filled by the board of directors, a majority of whom will constitute a quorum for the transaction of business. Said company, acting by its stockholders in convention, shall have power to enact all such rules and by-laws as may be deemed needful and proper for the management and carrying on its business, and may elect or appoint all such officers, other than president and directors, as may be deemed necessary or proper, and fix the tenure

Annual
meetings

Vacancies

By-laws

and qualifications of each, and prescribe rules for the transfer of stock by the respective stockholders.

Kind of
business

Sec. 8. Be it further enacted, That the business of said company is hereby declared to be, and shall be the mining and sale of iron ores and coal, limestone and other minerals, the production and manufacture and sale of coke, iron and steel in their crude and finished state, and the manufacture of any product from iron and steel, including pipe, rails, boiler plates, armor plates, and any and all products that may be manufactured of iron and steel, or that may be used in the building of ships; and the said company shall have the right and power to conduct stores and sell merchandise of any and every kind and description, and said company shall have the right and power to buy land, either mineral or otherwise, and to lay off its land into lots and parcels, and to lease, sell, donate and convey the same; make sales, donations or loans of any of its lands or other property, money or effects, to individuals or other corporations; and the said company shall have the right and power to build ships, and to operate lines of steamships, tugboats or barges, to build and construct railroads or tramways and operate the same, charging for transportation or carriage reasonable fare or tolls, and use such motive power as may be deemed best on the property of said company or over such lines. Said company shall have the right and power to acquire and operate pipe shops, furnaces, steel plants, mills, factories, machine shops, foundries and other industrial enterprises. Said company shall have the right and power to invest its funds or property in the capital stock of, and become a stockholder in, any other corporation formed or to be formed, or in the bonds of such corporations, and to retain or dispose of such stock in whole or in part at pleasure; to lease, construct and operate, or to assist persons or corporations in such manner as said company may deem desirable, in leasing, constructing and operating furnaces, factories, foundries or other industrial enterprises; to acquire, own, rent and

sell houses and other improvements, and to improve its lands in such manner as it may deem fit. Said company shall have the right and power in accordance with the statutes of this State, authorizing land to be condemned by writs ad quod damnum, to condemn such property and rights of way as may be necessary to enable said company to construct, erect and operate railroads and tramways.

Sec. 9. Be it further enacted, That the said Ensley Steel and Pipe Company is authorized and empowered to consolidate and amalgamate itself with other corporation or corporations, by a two-thirds vote of the stockholders of each such corporations, and form one general company under such name and style as may be agreed upon, and to issue and apportion the stock of such consolidated corporations as may be agreed upon by said two-thirds of the stockholders in each of said corporations, and to take up, if deemed proper and best, the individual stock of each company, and to replace it with stock of the general company, in such manner and amount as may be agreed upon by said two-thirds of the stockholders: Provided, that such amalgamated company shall keep an office in the State of Alabama, and thereupon such general company shall be invested with all the powers and franchises theretofore belonging to each and all of the several corporations so consolidating or amalgamating; provided, further that the rights and remedies of creditors shall not be affected by such consolidation.

Sec. 10. Be it further enacted, That said corporation shall have the power to unite, consolidate or connect the railways owned, operated or controlled by it with any line of railways constructed or which may be constructed in this State, upon such terms as may be agreed upon by it and such other railway company; and for this purpose, power is hereby granted to it and to any other railway incorporated in this State, to make and carry out such contracts by lease, purchase or otherwise, as will facilitate and consummate such connection or consolidation.

May consoli-
date

Connect with
other roads

May issue
bonds

Sec. 11. Be it further enacted, That the said corporation by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy, at any meeting of said stockholders, duly and legally called by the board of directors of said company for that purpose shall have the power and authority which is hereby given it, to make and issue its bonds, for such sum and in such amounts, and payable at such time or times as the said stockholders may determine, which said bonds shall bear such rate of interest, not exceeding eight per cent. per annum, as the stockholders may deem best; and to secure the payment of said bonds and the interest thereon, the said corporation is hereby given power to execute a mortgage or deed of trust in its corporate name and under its corporate seal, upon all the property of said corporation, including its franchises, or such part thereof as the said stockholders may determine best; and said bonds and deed of trust to be signed by the president, countersigned by the secretary of said company and sealed with the seal of said corporation, and the said company is hereby authorized to sell, exchange, hypothecate and dispose of its said bonds for its purposes as the directors may think best or to pay the same for real or personal property, rights or franchises purchased by said company, on such terms as the board of directors may deem best for the company.

Preferred
stock

Sec. 12. Be it further enacted, That said corporation may issue, also, preferred stock in such sums and for such an amount and on such terms and conditions, and with such rights and privileges as the owner of two-thirds in value of the stock of said company in convention assembled shall determine, and thereafter the said company shall not have the power to change or abridge the conditions, rights or privileges thus accorded to the holders of the preferred stock, or to do any act that will impair the value or security of such preferred stock without the consent of the holders of the same.

Sec. 13. Be it further enacted, That said corporation shall have a right to lease and purchase, and to

hold and own the real, personal or mixed property, or stock or franchises of other corporations engaged in any similar business; and said corporation may pay for the same in money, bonds, notes or by an issue of its own stock, either common or preferred, on such terms and in such amounts and upon such conditions as such corporations may deem best, acting by and through its stockholders in convention assembled, or by its board of directors, they having been duly authorized to act in the premises. May lease, etc

Sec. 14. Be it further enacted, That said corporation is authorized to constitute and establish an agency or agencies outside of this State for the transfer of the shares of its capital stock, and to enact all laws necessary to provide for the transfer of said shares by such agency or agencies. Agencies

Sec. 15. Be it further enacted, That said corporation may at any time amend its charter by changing the name of said corporation by filing in the office of the secretary of State a declaration in writing, signed by not less than three-fourths in number of the stockholders holding not less than two-thirds in value of the stock thereof, verified by the affidavit of one or more of the signers. Said declaration to state the name of the corporation and what change is desired. Right to
amend

No. 190)

AN ACT

(H. 461

To establish a new charter for the town of Prattville, in Autauga county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the town of Prattville, in the County of Autauga, and State of Alabama, shall include in its corporate limits the territory contained within the following boundary, to wit: Beginning at a point three hundred and sixteen (316) yards south and thirty-eight (38) yards west of the half-mile corner on the north line of section nine (9), Corporate
limits

township seventeen (17), range sixteen (16), thence west one (1) mile, to the Upper Kingston road, thence north forty-five (45) degrees west, thirty-two (32) yards to a pine tree, thence south twenty-five (25) degrees west, four hundred and sixty-two (462) yards, thence south sixty-five (65) degrees west, three hundred and thirty (330) yards along a ditch, to the Lower Kingston road, thence south forty-five (45) degrees east, two hundred and twenty (220) yards down said Lower Kingston road to the Allenville road, thence south seventy-eight (78) degrees west, twenty-two (22) yards along Allenville road, thence south eleven (11) degrees east, nine hundred and seven (907) yards to a pine tree on the Autauga-ville road, thence south forty-five (45) degrees east, eleven hundred (1100) yards, thence east thirteen hundred and twenty (1320) yards, thence north twenty-seven hundred and fifty-eight (2758) yards to the point of beginning.

Name	Sec. 2. Be it further enacted, That the inhabitants of the territory hereinabove described as constituting the corporate limits of the town of Prattville, shall be a body corporate, by the name and style of "Town of Prattville," and by that name
Rights	may sue and be sued, plead and be impleaded, contract and be contracted with, and purchase, receive, hold, let, sell and grant or alien property—real, personal and mixed—and do and perform any other acts incident to municipal corporations which are not prohibited by the Constitution and laws of the State of Alabama, or of the United States; and may have and use a town seal, which may be broken or changed at the will of the intendant and town council.

Police juris- diction	Sec. 3. Be it further enacted, That all the powers and jurisdiction conferred by this act upon the corporate authorities of the town of Prattville may be exercised and enforced within the territory hereinabove mentioned, and over the inhabitants thereof, and in addition, the police powers and jurisdiction may be exercised within any territory of the County of Autauga lying within one-half of a mile of said corporate limits; and to all the lands which
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are now owned or which may hereafter be acquired in the said county for the purpose of use as a hospital, quarantine station, poorhouse, pesthouse, workhouse or house of correction, schoolhouse and cemetery, and the laws and ordinances of the town of Prattville shall apply to and extend over all of said lands and the inhabitants thereof.

Sec. 4. Be it further enacted, That on the first Monday in September, 1899, and on the first Monday in September every two years thereafter, there shall be elected by the qualified voters of said town, in the manner hereinafter provided, an intendant and five councilmen. No person shall be eligible to any of said offices unless he is a qualified voter in and has been a resident citizen of said town for a period of six months next preceding the election at which he is a candidate. The polls for such election shall be opened between the hours of eight and nine o'clock a. m., and kept open until five o'clock p. m. The term of office of the intendant and councilmen commence at the expiration of the term of the present incumbents and continue for two years, and until their successors are elected and qualified. Elections

Sec. 5. Be it further enacted, That said election shall be conducted in the manner as elections for State officers, except there shall be no registration of the voters and no booths for the preparation of ballots, but no person shall be entitled to vote at said election unless he possesses all the qualifications provided in Article VIII of the Constitution of Alabama, and shall have resided within the corporate limits of said town for not less than three months next preceding the date of said election. Rules for elections

Sec. 6. Be it further enacted, That at said elections there shall be one or more polls opened in said town, and it shall be the duty of the intendant and council to provide for the opening of said polls, and to give not less than two weeks' notice thereof, and of the place or places where said polls will be opened, by publication in any newspaper published in said town, and by posting at the courthouse door; but should no newspaper be published in said town, such notice shall be given by posting at said Duties of intendant and council

Inspectors

courthouse door and at three other public places in said town. The intendant and council shall appoint three inspectors, who shall perform the duties of returning officers, for each poll or box, two of whom, if practicable, shall belong to opposing political parties. Said inspectors shall be qualified voters of said town, and if any one or more of them is absent at the time of the opening of the polls, those present may fill the vacant place, or places, and if all are absent, any three qualified electors of said town may act. Before entering upon their duties, the said inspectors shall take an oath, to be administered by any officer authorized under the laws of Alabama to administer oaths, that they will fairly conduct said election and make a true and honest return thereof as required by law.

Ballots

Sec. 7. Be it further enacted, That the inspectors of elections in said town shall not receive the ballot of any person who does not possess all the qualifications required by this charter. Immediately after the polls are closed the said inspectors shall proceed to count the ballots and certify the result of said election to the intendant and council. They shall inclose the ballots, together with their certificate of the result, in the box, and after carefully sealing the same, deliver said box with its contents to the town clerk.

Counting
votes

Sec. 8. Be it further enacted, That the intendant and council of said town, or a majority thereof, shall, within three days after the delivery of the said ballot box or boxes to said clerk, proceed to open the same, and by a count of the votes and comparison with the returns of the inspectors, correct errors, if any, and declare those persons receiving the largest number of votes duly and legally elected to the offices for which they respectively received the largest number of votes. Should two or more persons receive the same number of votes for any one office, it shall be the duty of said intendant and council to elect, by ballot, one of said persons to said office. Upon the declaration of the re-

sult of such election having been made, the persons declared elected shall be entitled to the possession of their respective offices immediately upon the expiration of the term of their predecessor, subject, however, to a contest of their claim, as is now or may hereafter be provided by act of the General Assembly.

Sec. 9. Be it further enacted, That before any person shall enter upon the discharge of the duties of the office to which he has been elected, he shall take and subscribe an oath or affirmation, to be administered by any officer authorized by the laws of Alabama to administer oaths, in the following form: "I, do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Alabama and the charter and ordinances of the town of Prattville, and that I will faithfully and to the best of my ability discharge the duties of the office of of the said town of Prattville, to which I have been elected.

Sworn to and subscribed before me, this, the
.... day of 189....

....."
(Style of Officer.)

Sec. 10. Be it further enacted, That the board shall consist of the intendant and five councilmen, a majority of whom shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and may compel the attendance of its members in such manner and under such penalty as may be prescribed by ordinance. Said board shall be the judges of the election returns of all officers of the town of Prattville, and of the qualifications of its own members. The intendant shall be ex-officio the presiding officer of the board, and shall have the right to vote on all questions. The board may elect one of its own number as intendant pro tem., to serve during the absence or disability of the intendant, and during the continuance of such absence or disability he may perform all the duties of

Duties

the intendant. It shall keep a record of all its proceedings; shall determine its own rules of procedure, punish its own members for malfeasance or misfeasance in office, and, with the concurrence of two-thirds of the membership, may expel any member; and it shall prescribe by ordinance, the time and place of its regular meetings and the manner in which special meetings may be called. All ordinances and by-laws, or resolutions, intended to be of a permanent character, passed by the board, before becoming effective, shall be published at least once in some newspaper published in said town, or by posting copies thereof in six different conspicuous places in said town for at least one week, except provisions relating to quarantine, the prevention or abatement of nuisances, the closing of saloons and places of public amusement, and others of like character, which shall take effect as soon as posted in front of the place where the board holds its regular meetings. In case of a vacancy, from any cause, in the office of intendant and councilmen, or in any other public office, the board shall fill the vacancy by an election, which shall be by ballot.

Officers

Sec. 11. Be it further enacted, That the said intendant and councilmen, at its first meeting after its organization, or as soon thereafter as convenient, shall elect, by ballot, from the qualified voters of said town, a clerk, treasurer and marshal, and such other officers as may be determined by ordinance as necessary for the proper government of said town, but the offices of clerk and treasurer may be combined in one person; and shall also fix the amount of compensation to be paid to the intendant and other officers, which compensation shall not be increased or diminished during the term for which such officers are elected. The terms of such officers shall be for two years from the time of their election, and until their successors are elected and qualified.

Sec. 12. Be it further enacted, That the said intendant shall have and exercise the powers and jurisdiction of a justice of the peace in all matters, civil

or criminal, arising in the corporate limits, and such executive officer of a town, and shall have the right, by and with the consent of a majority of said board, to make and issue proclamations for the public health, in order to prevent the introduction or spread of infectious and contagious, or infectious or contagious diseases in the town, prohibiting all persons and goods from infected localities from entering the town, and, under ordinances to be adopted for that purpose, to have power to offer rewards, in the name of the town, for the detention and punishment of violations of such proclamation; he shall make proclamation, whenever it shall be deemed necessary for the public peace and order of the town, prohibiting riotous and disorderly assemblies, or closing saloons and public places of amusement; he shall have the power, when in his opinion, or in the opinion of the board, it is necessary, to call on all or any of the male inhabitants of the town, over eighteen years of age, to aid in enforcing the laws; he shall be the chief executive officer of the town, and perform all such duties as are or may hereafter be prescribed by law or by the town ordinances; see that all the laws and ordinances are faithfully enforced, and that all contracts made under the authority of the board are honestly carried out in accordance with their purpose and intent; he shall, from time to time, and at least once every three months, lay before the board a full statement of the condition of the financial and other affairs of the town, and recommend such measures as he may deem expedient; he, as well as any alderman of the town, shall at all times have the power to examine the books and papers and inspect the records of any officer or employe of the town; he shall have authority, as such intendant, to administer oaths; he shall as such intendant, exercise the powers of a police magistrate in said town, and have the power to fine or imprison, or to fine and imprison, or to sentence to hard labor upon the streets or public works of the town, any person who may, upon trial, be

Powers of
Intendant

found guilty of violating any town ordinance or by-law: Provided, no fine shall exceed one hundred dollars, and no sentence to hard labor or imprisonment shall exceed one hundred days; and, provided further, that no female shall be required to work on the streets of said town, but the board may provide, by ordinance, for hiring out, within the corporate limits of the town, or within the County of Autauga, any female convicted of violating any of said ordinances or by-laws; and, in the event any fine and costs are not presently paid, to sentence the offender, or person thus in default, to work out the fine and costs under the direction of the town authorities, allowing not exceeding one dollar per day for such services; he shall have the power to punish for contempt of his court, by fine, not exceeding six dollars, or by imprisonment not to exceed six hours, one or both. During the absence, disqualification, disability or death of the intendant, the intendant pro tem or any councilman, may preside over said Police Court, and while so doing shall have all the powers herein vested in the intendant, so far as said Court and its proceedings are concerned.

Duties of
clerk

Sec. 13. Be it further enacted, That the clerk, or clerk and treasurer, shall have the custody of the corporate seal, with power to attest and affix the same to any proper document; he shall attend all meetings of the board, and enter in a book, which shall be provided by said board, a full and accurate report of the proceedings of the board; he shall issue and have served upon the intendant and councilmen notice of all called or special meetings of the board, and give notice to all persons whose presence may be required before the board, or any committee thereof, when instructed; he shall keep a separate book in which shall be recorded all ordinances and resolutions of a permanent character passed by the board, and at the foot of each shall make a memorandum of the date of passage and the date and name of the newspaper in which published, or the date of posting, as the case may be, which record and memorandum, or certified copy thereof, shall be, for all purposes, prima facie evidence of

the passage of said ordinance and the due and legal posting or publication thereof; he shall be the clerk of the Police Court created under this charter and have the power to administer oaths and issue subpoenas for witnesses; he shall audit all accounts against the town and countersign all orders on the treasury for the payment of moneys ordered to be paid by the board; he shall receive and pay out under proper orders from the board, all moneys belonging to the town arising from taxes, licenses, street dues, or otherwise, keep the tax and license money in the general fund and the street dues or taxes in a separate fund for street improvement; he shall keep a book upon which he shall enter all money received, with the source thereof, and all money paid out, and preserve the voucher therefor, and such other books as may be necessary to properly keep the accounts of said town; he shall make a report to the board, at least once every three months, of the financial condition of the treasury and of all his acts and doings as such clerk, or as clerk and treasurer, for the past three months, and at such other times as the board may order, and, at each annual meeting, shall make a full report of the condition of the town treasury; he shall, each year, make an assessment of all the property in the corporate limits of said town liable for taxes, giving the name of the owner against whom the assessment is made, when known, but if unknown, give a description of the property with the statement that the owner is unknown. From such assessments the said clerk, or clerk and treasurer, must enter in a book, suitably ruled and substantially bound, a condensed statement of all assessments made during each tax year, showing in separate columns, the names of the persons assessed, in alphabetical order, the number of acres of land and other real estate, with the description and value thereof, and the number, amount and value of all other taxable property and subjects of taxation assessed to each person; and the number, amount and value of each separate item entered therein, which shall be extended and footed up, the footings carried forward from page to page and the total amounts thereof

Duties of
clerk

Duties of
clerk

footed up; and shall also keep and enter in a suitable book a list, alphabetically arranged, of all persons residing in the town liable to road duty. Said assessments and books shall be turned over to the intendant and by him laid before the board, and the intendant shall cause at least ten days notice, by publication in some newspaper published in the said town, or by posting in at least six different public places, that such assessment has been made and of the time when the board will proceed to hear and determine all complaints which may be made against such assessments. When all objections are heard and errors corrected the said assessment against persons or property shall have the force and effect of a judgment, upon which execution may issue by the intendant for the collection of the said taxes, which may be levied upon the property of the owner and sold for the payment of the same, after giving ten days notice for personal property and thirty days notice for real estate, by posting at the court house door and three other public places in said town, or by publication, for the same time, in some newspaper published in the Town of Prattville. Said clerk, or clerk and treasurer, shall perform such duties as may be required of him by law, or by ordinance of the intendant and council of said town. Before entering upon the discharge of his duties, the said clerk or clerk and treasurer shall enter into a bond, with good and sufficient surety, to be approved by the intendant, payable to the Town of Prattville, in such sum as may be prescribed by the board, and conditioned for the faithful discharge of the duties of his office and to deliver to his successor all money which may come into his hands as such officer, which has not been paid out by him in the manner directed by law. Should the said offices of clerk and treasurer be not combined in the same person, a treasurer may be elected, who shall discharge the duties usually discharged by the treasurer of a municipal corporation, and shall give a bond in such sum as may be required by the board and conditioned as the bond required of the clerk, or clerk and treasurer.

Sec. 14. Be it further enacted, That the marshal and other police officers of said town shall have authority to execute the lawful ordinances of such corporate authorities within the corporate limits thereof and within one half mile of said limits, and must, with or without warrant, arrest all persons breaking the peace or violating any ordinance, and bring the offender before the intendant for trial; and the marshal shall have the authority to execute all proceedings or process issued by the intendant or clerk and treasurer, or clerk, and shall receive therefor the same fees as allowed by law to constables in Autauga county, or as may be established by ordinance of said board; he shall collect and receipt for all taxes, licenses and street tax due and owing said town and turn them over to the clerk and treasurer, or treasurer, on the day the same are collected, if collected before the close of business hours, but if collected after that time, they must be paid over upon the following day; he shall have supervision of the streets and oversee the work done thereon; and shall have charge of all persons convicted by said intendant and see that they carry out the lawful sentence of the court, and shall perform such other duties as may be required of him by law or ordinance of said town. Before entering upon the duties of his office, he must execute a bond, with good and sufficient surety, to be approved by the intendant, in such sum as may be required by said board, payable to the Town of Prattville, conditioned for the faithful discharge of the duties of his office and to pay over all money collected by him as such marshal to the officer authorized by law to receive the same.

Authority of
marshal and
police

Sec. 15. Be it further enacted, That all other officers elected by said board shall perform such duties as may be prescribed by ordinance.

Other officers

Sec. 16. Be it further enacted, That if the intendant or any councilman, or any other officer of the corporation moves out of the corporate limits of said town, his office shall be thereby vacated, and the board shall proceed, at the earliest convenient time, to elect his successor, and the person so elected shall hold office until his successor has been elected and qualified.

Vacancies

Appeals

Sec. 17. Be it further enacted, That any person who shall be convicted before said intendant for a violation of any of the ordinances of said town, or for failure to work the streets, may, within five days from the time of said conviction, appeal from the judgment of said intendant to the Circuit Court of Autauga county, by entering into a bond, payable to the Town of Prattville, in such sum, not to exceed two hundred dollars, to be fixed and approved by said intendant, or person acting in his place, with sufficient surety, conditioned for the appearance of said defendant at said Circuit Court, and the payment of any judgment, both as to fine and costs, which may be rendered by said court. When such an appeal is taken, the intendant, or person acting in his place, shall forward to the clerk of said Circuit Court all of the papers filed in the case, with certified copies of the judgment and other orders made by him therein. The clerk of said Court shall file said papers and place the case upon the criminal docket of said Court, which case shall stand for trial at the term next succeeding the time when the appeal is taken.

Style of
ordinances

Sec. 18. Be it further enacted, That the style of ordinances of said town shall be: "Be it ordained by the Town of Prattville." All ordinances and the publication thereof may be proven by the certificate of the clerk, over his official signature and under the seal of the town. All actions shall be brought in the name of the "Town of Prattville," as plaintiff; and all fines and forfeitures for violation of the ordinances and all moneys collected for licenses and otherwise shall be paid into the treasury of the corporation as required by this act and the ordinances of said town.

Powers

Sec. 19. Be it further enacted, That the board of intendant and councilmen shall have all the powers conferred by this charter, and such others as are incident to and necessary for the government of said town and the protection of the inhabitants thereof; and, also, to control the property and incomes of the corporation; to appropriate moneys for the purposes provided in this act and by proper ordinances, for the purpose of the payment of the

legitimate debts and expenses of the corporation; to levy and collect taxes for general and specific purposes on real and personal property situated within the corporate limits of the town; to license Powers all business, trades, occupations and professions, not prohibited by the Constitution and laws of the State of Alabama; to fix the amount, terms and manner of issuing or revoking such licenses; to provide a penalty for doing a business, for which a license is required, without first paying for and taking out such license; to license and regulate auctioneers, distillers, lumber yards, livery stables, public scales, money brokers, second hand and junk stores or shops, barber shops, butchers and dealers in cigarettes; to license, regulate and restrain railroads, hackmen, draymen, omnibus drivers, carts, cabmen, porters, runners for hackmen, cars or public houses, expressmen and others pursuing a like trade or occupation, and to prescribe a maximum of fares to be charged by the same; to license, regulate and restrain pin alleys, bagatelle tables, Jenny Lind tables, billiard and pool tables, and any other tables used for like purposes, knife boards and cane boards or racks, or anything in the nature thereof; to license, regulate and restrain the selling, giving away or otherwise disposing of spirituous, vinous or malt liquors, bitters or beverages within the limits of said town, but this shall not be construed as repealing the prohibition law now existing in said town; to revoke all licenses and permissions under such restrictions and regulations as may be provided by ordinance; to close houses and places for the sale of intoxicating liquors, when the public safety or peace may require it; to forbid and punish the selling, giving away or procuring of any spirituous, vinous or malt liquors, to or for any minor, habitual drunkard or person of feeble mind; to prohibit and suppress houses of prostitution and disorderly houses generally; to suppress gaming, gambling and gambling houses, lotteries, any and all fraudulent devices and practices for the purpose of gaming or fraudulently obtaining money; to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or

Powers

illustrations, to prohibit and suppress all public masquerades, exhibitions and amusements which violate public morals or decency; to license, regulate and restrain peddling and the vending of patent medicines within the corporate limits of said town; to establish, open, alter, vacate, abolish, widen, extend, grade, cut down, fill in and pave, or otherwise improve, any or all streets, alleys, avenues, public grounds, and sidewalks in said town, and to provide for the payment thereof, in a manner not inconsistent with this act; to plant trees upon the streets and sidewalks; to regulate the use of the said sidewalks and prevent and remove obstructions from and encroachment thereon, and provide for the cleaning of the same; to regulate the openings in said streets and sidewalks for laying gas or water mains or pipes, the building, or repairing, of sewers, culverts and drains, erecting gas or electric light plants, telegraph, telephone or other poles and wires, subject, however, to the reservations, if any, in any street, alley, avenue or public ground; to regulate the use of sidewalks and all structures thereunder and to require the owner or occupant of any premises to keep the sidewalk in front of or along the same free from obstruction; to compel the owner or tenant of any premises to keep the sidewalk in front of or along such premises clean and in repair; to prescribe the kind of pavement to be used, or put down, and compel the laying of same, under proper ordinance, along such sidewalk; to regulate and prevent the throwing or depositing of ashes, dirt, garbage or any offensive matter in, and prevent injury to any street, avenue, sidewalk, alley or other public grounds; to provide for and regulate cross walks, curbs and gutters; to prevent and regulate the use of sidewalks, streets and public grounds for signs, sign-posts, awning posts, horse troughs, racks, posting hand bills and advertisements; to regulate and restrain traffic and sales upon streets, sidewalks, alleys, avenues and public places; to regulate the speed of horses and other animals, vehicles, cars and locomotives, within the corporation; to require railroad companies to exercise the necessary precautions to prevent

injuries to persons or property; to prevent the accumulation of filth on the premises of any person or corporation; to prevent the blocking up of streets, sidewalks, alleys, avenues and public places or the impeding of travel thereon by any railroad company; to construct and keep in repair bridges and viaducts and to regulate the use thereof; to construct and keep in repair culverts, drains, sewers and cesspools, and to regulate the use thereof; to provide for and regulate the drainage and filling up of ponds and mud holes on private property whenever necessary to prevent or abate a nuisance, and may cause the same to be done at the expense of the owner of the premises or at the expense of the town, as the board may deem best; to prevent infectious and contagious, or infectious or contagious diseases, from being introduced into said town; to ordain all necessary regulations for an effective quarantine and to enforce the same to the limits of said town and within one mile thereof; to maintain cleanliness and health, and a good sanitary condition in the streets, avenues, alleys and other public places, and on private premises; to suppress all nuisance, at the expense of the person causing the same or the person upon whose premises the same may be found, upon public or private property and may enter upon private property for that purpose; to establish a system of drainage and to regulate the manner in which drainage from private premises may be disposed of; to prevent the sale of adulterated or decaying food or adulterated drinks; to regulate and restrain or prohibit the running at large of horses, mules, cattle, hogs, goats, sheep, geese or dogs; to regulate the use and construction of tanneries, fertilizer works and slaughter pens, or may prohibit the same within the corporate limits; to regulate or prevent any unwholesome business or establishment within the said corporate limits; to compel the owner of any grocery, cellar, tannery, stable, pig-sty, privy, slaughter pen, sewer or other unwholesome or nauseous house or place to cleanse, remove or abate the same, and to regulate the location thereof; to establish and regulate the location of ceme-

Powers

Powers

teries, quarantine stations and pests houses, and acquire land therefor; to provide for the erection and care of all public buildings necessary for the use of said town; to provide for the taking of a census of said town, once every two years; to exercise the right of eminent domain, for public purposes, in manner provided under the constitution and laws of the State of Alabama; to regulate the places of amusement and public entertainments; to determine the limits within which wooden buildings shall not be erected and to prevent the reconstruction in wood of old buildings or parts thereof, which are dangerous or insecure; to establish and maintain water works, or contract for the furnishing of water for supplying the town and its inhabitants with wholesome water; to regulate the manner of furnishing water to consumers and fix the rates therefor; to establish and maintain a gas or electric light works, or contract for the furnishing of gas or electric light or power for supplying the town and its inhabitants, and to regulate the manner of furnishing gas or electric lights or power to consumers, and fix the rates therefor; to organize and maintain free public schools; to establish and maintain a fire department and to control and regulate the same; to erect engine houses, and provide for engines, hook and ladder truck and other implements, appliances and paraphernalia for the proper equipment of the same; to require all necessary precaution on the part of the inhabitants of said town to prevent fires; to pass ordinances for securing the safety of persons from fire in halls, hotels, and buildings let or used for public assembly or for entertainments and amusement; to regulate the police of the town, and to restrain or prohibit disorderly conduct and breaches of the peace; to regulate, restrain or prevent the use of fireworks, fire-crackers, torpedoes, roman candles, sky-rockets, whistling bombs and other fire works or pyrotechnic display; to prescribe the duties and powers of the marshal, policemen or watchmen, and provide for the payment of such officers; to prohibit and prevent cruelty to animals; to restrain and punish vagrants, mendicants and prostitutes; to impound

and forfeit domestic animals, found on the streets contrary to the ordinances of the board; to pass and enforce all ordinances and by-laws needful to the well being of the inhabitants of the Town of Prattville, not in conflict with the Constitution and laws of the State of Alabama, and the provisions of this act; to grant franchises through, over and along streets, alleys and other public places for operating street or other railroads, on such terms and conditions as it may prescribe, subject, however, to the reservations, if any, in the dedication of such streets; to pass ordinances for the punishment of persons who, in any manner, obstruct or interfere with any police officer in the discharge of his duty as such police officer, and for the punishment of all persons who, when called upon by any of the town officers to aid in the arrest of any person, shall refuse to render such assistance. The board of intendant and councilmen shall have authority to require all male inhabitants of said corporation who would otherwise be subject to road duty on the public roads in this State, to work the streets in said town, not exceeding ten days in each year, under such conditions as said board by ordinance may prescribe: Provided, however, That the male inhabitants of said town shall be exempt from working on the public roads outside of the corporate limits of said town; and, provided further, that any person required to work the streets may relieve himself thereof by paying into town treasury the sum of three dollars per annum, and the money so paid in shall constitute a street fund and shall be applied exclusively to work and improvements upon the streets of said town.

Sec. 20. Be it further enacted, That the board of intendant and councilmen may levy and collect, each year, upon all real and personal property and all subjects of State taxation within the corporate limits of said town, a tax, not to exceed one-half of one per centum on the value of said property, real and personal, and all property or subjects of taxation within the limits of the town, at the time when the levy is made, shall be liable for taxation, as herein provided. Said board may, by ordinance,

Taxes

require all persons owning any property subject to taxation, to give in said property, fix the time in which such property, or subjects of taxation, must be given in and fix a penalty for failure to give in such property or subjects of taxation within the time prescribed. The said board shall inspect the assessments made for taxation, and, in cases where property is not given in at its true value, shall raise the valuation thereof, after notice has been given of such assessment, in the manner provided herein, and may reduce the assessed value of any property, which, upon complaint, may be shown to be excessive. All taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for the payment of said taxes, as herein provided; and the Town of Prattville shall have a lien upon said property for said taxes over all other incumbrances, save and excepting the lien given by law for State and county taxes, and all taxes assessed against the property of any person, firm or corporation, under this act or its authority, shall be a lien upon the real or personal property so assessed of such person, firm or corporation within the corporate limits of said town, from the first day of January of the year in which said assessment is made, or, if brought into town after that time, the lien shall attach from the time the said property was brought therein. After the assessment shall be made and passed upon by the board, the person empowered to collect the taxes shall give thirty days notice, which shall not be later than the first day of September, in each year, in some newspaper published in Prattville, and if there is no newspaper published therein, by posting said notice in three or more conspicuous places in said town, that he is ready to receive such taxes so levied. After thirty days have elapsed from the first publication of such notice, the collector of taxes, or his deputy, shall make personal demand upon all persons who have not paid their taxes, wherever they may be found. After the expiration of ninety days from the first publication of such notice, the tax collector, or his deputy, must, under execution hereinbefore provid-

Levy and
sale

ed to be issued by the intendant, levy upon and sell enough of the personal property, if there be any, to satisfy said taxes and costs. If there be none, or not enough personal property to satisfy said taxes and costs, then he must levy upon and sell the real property of such delinquent taxpayer, and the personal property so sold shall not be the subject of redemption. When real estate is levied upon for taxes and a sale is ordered, thirty days notice of the time and place of sale, together with a description of the property and the amount of taxes and costs due thereon, must be given by not less than two insertions in some newspaper, if any be published in the Town of Prattville, and if there be none, by posting notices in six conspicuous places in said town. At such sales the officer authorized to collect the taxes must sell such property, or so much thereof as may be necessary to pay the taxes and costs and costs of advertising the sale and making the levy, to the highest bidder, for cash, and make a certificate of purchase to the purchaser. The intendant is required to attend such sale, and if, in his opinion, any property does not bring sufficient to pay the taxes and costs, he must purchase the same, for and in the name of the Town of Prattville, and a certificate of purchase shall vest in said Town of Prattville the same rights as in other purchasers. Any real property sold under the provisions of this act may be redeemed at any time within two years after its sale, by paying the amount of the purchase money or subsequent costs and taxes that have been paid by the purchaser, and, if the Town of Prattville is the purchaser, all taxes and costs which have accrued since the sale, and interest thereon at the rate of ten per centum per annum, and upon such payment the owner, or his vendee, shall be entitled to receive from the purchaser a certificate or deed of redemption; if after the expiration of two years from the date of sale, the property has not been redeemed by the owner of the right of redemption, or his vendee, the intendant of said town, in the name of the Town of Prattville, upon the application of the holders of the certificates of purchase, shall make a deed to

Redemption

Street tax

such property so sold and unredeemed: Provided, That the holder of such certificates shall pay all taxes accruing after such sale, and one dollar to cover the expense of making the deed. Whenever any person liable to street duty fails to work the streets when called upon to do so or fails or refuses to pay the said street tax of three dollars in lieu of such work, the person so failing shall be reported to the intendant by the marshal or other officer overseeing such work, and it shall be the duty of said intendant to try such defaulter, after giving him five days notice in writing of the time and place of such trial, and if found guilty, to assess a fine of not less than one nor more than three dollars for each day of default. Should any defaulter fail to appear for trial at the time indicated in said notice, he may be arrested on affidavit of his failure to work the streets, after notice to do so, or to pay the amount fixed, in lieu of said work, a warrant to be issued by the intendant on said affidavit and, on conviction, shall be fined as provided in this section.

Schools

Sec. 22. Be it further enacted, That the said board of intendant and councilmen shall also have the power to lease or build school houses, to purchase or lease lands for the purpose of building school houses, taking the deeds or leases in name of said town, and to furnish such school houses, and must, not later than the first day of July, in each year, make an appropriation, by proper ordinance, out of the revenues of said town, for the support and maintenance of the public schools of the district of Prattville as created by this act, for the ensuing scholastic year, and exercise such control over said schools as may not be inconsistent with this act.

School
district

Sec. 23. Be it further enacted, That the corporate limits of the Town of Prattville, as established by this act, and as changed from time to time, shall constitute a school district separate and apart from the other school districts in Autauga county, but the management and control of the public schools in said town shall continue for the current scholastic year as now organized and conducted. After the termination of the present scholastic year there

shall be a town board of trustees, which shall consist of five members, who shall be qualified electors of and reside in said town, and shall not be members of the board of intendant and councilmen. As soon as practicable after the present scholastic year has ended, it shall be the duty of the said board of intendant and councilmen, to elect five members of said board of trustees who shall hold their offices, respectively, for one, two, three, four and five years, the terms of the several members so elected to be assigned to them respectively by the said board of intendant and councilmen at the time of such election, in such manner as such board may adopt, and annually after such first election, the said intendant and councilmen shall elect one member of said board of trustees, whose term of office shall be for five years. In the event of a vacancy, from any cause, in said board of trustees, the said town council shall elect a new member to fill out the unexpired term. It shall be the duty of said board of trustees to prescribe and pass upon and elect, subject to confirmation by the intendant and councilmen, a principal of said schools and such other teachers as, in the opinion of said board, may be necessary for the proper conduct thereof, and for that purpose may hold annual competitive examinations of applicants for position of teachers; and may, from time to time, adopt, alter and repeal such by-laws, rules and regulations as they may deem proper for their own government and the government of the schools, and for the conduct of business before said board, not inconsistent with the laws of the State, or ordinances of the town board. Said board shall have control and management of said schools, with the right to prescribe and make changes in the books used therein and, generally, to regulate the course of instruction and method of teaching; prescribe the terms of principals and teachers, and, within the limits of the funds appropriated by the intendant and council and received from other sources for school purposes, fix the salaries of principal and teachers, which shall not be diminished or increased during the term for which he (or she) was elected. It shall be the duty of said

Trustees

board of trustees to require the principal of said schools to keep an accurate account of all moneys received and disbursed for and on account of said schools; to report to the town council the amount of all salaries, as fixed by them, and the clerk, or clerk and treasurer, shall issue on the first day of each month, on requisition as hereinafter provided, a warrant on the treasury for the salaries of the principal, teachers and other necessary employes of said schools for the preceding month; and to have and exercise such other powers as may be necessary for the proper conduct and complete control of said schools, not inconsistent with the provisions of this charter. The said board of trustees may, at any time, remove said principal, or any other officer or teacher therein, and such person so removed shall not be eligible for re-election during the term for which he (or she) was originally elected, and shall have the power to fill all vacancies which may occur from any cause in the position of principal or teacher in said schools.

School funds

Sec. 24. Be it further enacted, That the said school district shall receive its proportional share of the public school revenue, and all taxes collected for polls within said district, for the use and maintenance of said schools, which shall be paid over to said clerk and treasurer, or treasurer, and shall not be used for any other than public school purposes in said school district. It shall be the duty of said clerk and treasurer, or treasurer, to credit the school account with all moneys received for schools, in addition to the money appropriated by said board of intendant and councilmen as herein provided, and shall not pay it out except upon requisition of said board of trustees, which requisition shall be audited by said clerk or clerk and treasurer and signed by the intendant.

Principal

Sec. 25. Be it further enacted, That the principal of said schools shall personally overlook, supervise and manage said schools, under the direction of said board of trustees; he shall attend to the taking of the school census (with such assistance as may be allowed him by the board of intendant and council, to be paid for out of the money appropriated

by said board for public schools), which census shall be taken for said town during the month of April of each odd numbered year; he shall make a full and complete report to the State superintendent of education and to said town council; and discharge such other duties not inconsistent with this act, as the said council and board of trustees may prescribe.

Sec. 26. Be it further enacted, That all rights, title, claim and interest in the Town of Prattville or in the intendant and councilmen now existing in and to all lands, feeofments, hereditaments, streets, roads, alleys, grounds, buildings, and all goods, chattels, moneys, effects, debts, dues, bonds, obligations, accounts, stocks and all property of whatsoever description be and are hereby vested in the intendant and councilmen of the Town of Prattville and their successors, for the Town of Prattville, as incorporated in this act. All ordinances in force at the date of the approval of this act, which are not in conflict with the provisions thereof, shall be in full force and effect until altered, amended or repealed by the said intendant and board of councilmen. All of the present town officials shall continue in office or in service of the Town of Prattville until the first election under this charter, and until their successors are duly elected and qualified, subject to removal and changes made pursuant to the provisions of this act. No prosecution, suit or claim whatever now pending or existing or to be brought under existing laws shall, in any manner, be affected, impaired or altered by the passage of this act. All of the powers granted by this act shall be liberally constructed in favor of the Town of Prattville.

Sec. 27. Be it further enacted, That the provisions of this act shall go into effect immediately after its passage, except as to public schools, which shall be effective on and after the end of the present scholastic year, and the rights, powers and authorities herein granted are vested in the present board of intendant and councilmen of the Town of Prattville.

Approved January 28th, 1899.

Property
vested in

Ordinances

Present
officers

When act goes
into effect

No. 191)

AN ACT

(S. 93

To establish Hampton School District in Madison
County, Alabama.

Separate
school dis-
trict

Section 1. Be it enacted by the General Assembly of Alabama, That the following described territory situated in the County of Madison, Alabama, shall constitute a separate school district, to be known as Hampton School District, to-wit: Commencing at center of Section 9, Township 2, Range 1, east, and running west on section line to the center of Section 10, Township 2, Range 1, west, and thence south on half section lines through Sections 10, 15, 22, 27, 34 and Sections 3, Township 3, Range 1, west, and thence east on section lines to the center of south boundary of Section 4, Township 3, Range 1, east, thence north on half section line through center of Sections 4, 33, 28, 21, 16, and 9 to the place of beginning.

Trustees

Sec. 2. Be it further enacted, that the said separate school district shall be under the supervision of three trustees to be appointed by the superintendent of education of Madison county, as other trustees are appointed, with the same powers, duties and rights as other township trustees have and exercise.

Repeal

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same, are hereby repealed.

Approved January 28th, 1899.

No. 192)

AN ACT

(S. 206

To authorize the Mayor and General Council of the
City of Mobile to issue bonds for the purpose of
paving or otherwise improving the streets of the
City of Mobile.

Section 1. Be it enacted by the General Assembly
of Alabama, That the Mayor and general council

of the City of Mobile be, and is hereby, authorized and empowered to issue bonds for the purpose of paving the streets of the City of Mobile, under the conditions hereinafter expressed and provided. May issue
bonds

Sec. 2. Be it further enacted, That whenever the mayor and general council of the City of Mobile shall deem it wise to pave or otherwise improve any street or portion thereof, it shall ascertain the cost of such proposed paving or improving and shall then by ordinance require that said paving or improving shall be done by the owner or owners whose property abuts upon said street or portion thereof; and said mayor and general council shall provide by ordinance for the issue of bonds of the character hereinafter described in an amount sufficient to pay the expense of such issue and the cost of such paving or improving. Paving

Sec. 3. Be it further enacted, That said bonds shall be issued in the form of negotiable paper, payable to bearer, and shall have attached thereto, coupons for the interest due thereon, and by the ordinance providing for the issue of said bonds, full provisions shall be made for their character and stipulations, said bonds shall be in such denominations as the mayor and general council may direct, not to exceed one thousand dollars each or to be less than fifty dollars each. Said bonds shall bear interest at not to exceed six per centum per annum, and be payable annually at such place or places as may be designated therein. Said bonds shall be issued under the corporate seal of said city, and be signed by the mayor and city clerk of said city, and shall be disposed of at not less than their par value. Said bonds shall be payable fifteen years from their date, but shall be so issued that said mayor and general council may redeem one-fifteenth of the principal thereof annually, and it shall be the duty of said city to redeem at least one-fifteenth of each and every issue of such bonds with all interest due each year until they are extinguished. Kind of bonds

Sec. 4. Be it further enacted. That said mayor and general council shall provide and require, by proper ordinances, that the cost of such paving, together with the expense incident to the issue of Assessment of
cost

such bonds and the interest thereon, shall be assessed against and collected from the owner or owners of the property abutting such paving in such manner that one-fifteenth thereof shall be paid each year, such assessments to be prorated according to the frontage of such property, and collected at the same time and in the same manner as city taxes, and shall be a lien upon such property subordinate only to the State and city taxes, to be enforced in like manner as the lien for such city tax. The proceeds arising from such assessment shall be applied solely to the payment of such bonds, interest thereon, and the expense of issue thereof, but such assessment shall not include the cost of paving between the tracks and for eighteen inches on each side thereof of any street or electric or other railway on such street, or provided for in any grant or franchise therefor by the city upon such street.

Use of
proceeds

Sec. 5. Be it further enacted, That the proceeds arising from the sale of such bonds shall be applied only to the paving or improving designated in the ordinances providing for their issue. But should there be any surplus from any such bonds issued over such cost, it shall be applied to the cost of paving or improving other streets, determined in the manner herein above provided. The cost of which paving shall be assessed and collected as herein provided for streets designated in such ordinance of the issue.

Payable by
city

Sec. 6. Be it further enacted, That the cost of such paving on that portion of such street which is intersected by another street, except the portion herein required to be paid for by street, electric or other railroad, shall be paid for by the City of Mobile.

Street
railroads

Sec. 7. Be it further enacted, That should there be a street, electric or other railroad upon any street determined to be paved under this act, the cost of paving between and under the rails of such tracks and eighteen inches on either side of such track, including switches and turn-outs, shall be paid by the owner of such road, and shall be assessed and collected from such owner or owners, and

shall be a lien upon property of such person or company in the same manner as hereinbefore provided for as to property owners. And should any street, electric or other railroad be constructed upon any street which has been previously paved under this act, the owner or owners thereof shall before beginning such construction pay to the city clerk the cost of paving between the rails of the tracks contemplated, and eighteen inches of each side of such tracks, including switches and turn-outs and such money so paid shall be by order of the mayor and general council paid back to those who have paid for such paving.

Sec. 8. Be it further enacted, That the mayor and general council shall expend the proceeds arising from such bonds for the purpose designated in the ordinance of their issue under such regulations as the mayor and general council may provide. Expenditures

Sec. 9. Be it further enacted, That the entire pro rata cost of such paving, for which any person may be liable, may be paid at any time by the surrender of bonds issued for such paving of the par value of such cost and interest to date of payment. Entire payment

Sec. 10. Be it further enacted, That nothing in this act shall be so construed as to impair the duty or authority now resting upon or vested in the mayor and general council of the City of Mobile under its charter to enforce the pavement or improvement or repair of sidewalks in said city. Effect of this act

Approved January 28th, 1899.

No. 193)

AN ACT

(S. 179

To regulate the fine and forfeiture fund of Clay County.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the treasurer of said county to number and register, in the order in which they are presented, all claims against the fine and forfeiture fund which have been duly authenticated as claims against such fund, such Registering of claims

register showing the number of the claim, the date presented for registration, to whom payable, when it accrued, the character of the claim and the amount thereof, and shall pay such claims in the order of their registration.

When barred Sec. 2. Be it further enacted, That all claims due from and payable out of said fine and forfeiture fund shall be presented to the county treasurer for registration within twelve months from the time they become payable, or they shall be forever barred, and the same shall not be registered nor received in payment for any fine or forfeiture or other debt due the county; but claims which have been already registered, as now provided by law, shall not be required to be re-registered, and provided that the owners of all outstanding unregistered claims shall have twelve months from the passage of this act, to present their claims for registration.

Claims Sec. 3. Be it further enacted, That State witness tickets payable out of the fine and forfeiture fund and the fees of the officers of court, accruing from and after the passage of this act, payable out of said fund, shall be receivable for any fines and forfeitures due the county, at the value expressed by said tickets and officer's claims.

Claims to be sworn to Sec. 4. Be it further enacted, That all claims due the officers of Court arising from criminal cases in Clay county, payable out of the fine and forfeiture fund, shall be itemized and sworn to by such officer, and examined and approved by the judge of the Court in which the case arose, and the same shall be registered as provided by Section 1 of this act.

Treasurer must cancel Sec. 5. Be it further enacted, That the county treasurer, on the payment of any claim, or when any claim shall be paid into the county treasury, must cancel the same by defacing or mutilating, so as to show that it is of no further value and shall mark on his registry of said claim that the same is paid, the date, to whom, and on what account.

Sec. 6. Be it further enacted, That the county treasurer shall receive five per cent of the amount

of all claims or cash paid to or received by him on any fines and forfeitures due the county, as compensation for the services required of him by this act, in no case exceeding the aggregate sum of two hundred and fifty dollars in any one year, and such compensation shall be preferred in payment out of any cash received on account of any fines or forfeitures, to all other claims against said fine and forfeiture fund. Fees of treasurer

Sec. 7. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed. Repeal

Approved January 28th, 1899.

No. 194)

AN ACT

(H. 13

To prevent the selling or giving away within the County of Dallas and outside of the City of Selma any vinous, spirituous or malt liquors, or intoxicating drinks, bitters or beverages except for sacramental purposes, or by persons at their private residences using the same, in their own families and for guests.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful within the County of Dallas and outside the City of Selma, for any one to sell or give away any vinous, spirituous or malt liquors or intoxicating drinks, bitters or beverages: Provided, That nothing in this act shall be so construed as to prevent the use of wine for sacramental purposes, nor to persons using any of said liquors at their private residences if in their own families and for guests. Prohibition

Sec. 2. Be it further enacted, that any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for a period not more than six months, for the first conviction, and on the second and every Penalty

subsequent conviction, shall be confined at hard labor for the county for not less than thirty and not more than ninety days.

Duty of
judges and
grand jury

Sec. 3. Be it further enacted, That it shall be the duty of the judge of the City Court of Selma and of the circuit judge of Dallas county, to give this in special charge to each grand jury; and when the evidence before the grand jury sufficiently shows a violation of the provisions of this act, the grand jury shall have no discretion, but to find and present a true bill against the party or parties so shown to have violated the provisions of this act.

Repeal

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved January 28th, 1899.

No. 195)

AN ACT

(H. 368

To prohibit the sale of intoxicating liquors within a radius of three miles of Mount Pleasant Church, DeKalb County, Alabama.

Prohibition

Section 1. Be it enacted by the General Assembly of Alabama, That from and after January 1st, 1899, it shall be unlawful for any person to sell, give away, or otherwise dispose of any spirituous, vinous or malt liquors within a radius of three miles from Mount Pleasant Church, in De Kalb county, Alabama.

Penalty

Sec. 2. Be it further enacted, That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty nor more than five hundred dollars, and may be also imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months.

Approved January 28th, 1899.

No. 196)

AN ACT

(H. 435)

To prohibit the sale of Blackberry wine or intoxicating beverages in Lawrence county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person, firm or corporation to sell, barter or exchange blackberry wine or intoxicating beverages in Lawrence county, Alabama, without first procuring a license as now required by law for selling spirituous, vinous or malt liquors for Lawrence county, Alabama. Prohibition

Sec. 2. Be it further enacted, That any person, firm or corporation violating Section 1 of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than five hundred dollars. Penalty

Approved January 28th, 1899.

No. 197)

AN ACT

(H. 481)

To regulate the appointment and notice of Road Overseers in Coffee County.

Section 1. Be it enacted by the General Assembly of Alabama, That a list of hands from the road apportioners of Coffee county to the road overseers shall serve as legal notice of their appointment as overseer. Legal notice

Sec. 2. Be it further enacted, That the allowance made by the county commissioners of Coffee county for services of judge of probate and sheriff in regard to road apportioners be fixed at twenty-five dollars each. Allowance for services

Sec. 3. Be it further enacted, That all laws in conflict with this act be, and the same is, hereby repealed. Repeal

Approved January 28th, 1899.

No. 198)

AN ACT

(H. 296)

To amend Section 2454 of the Code of Alabama, so far as the same relates to Choctaw county.

Code, Section 2454 amended Section 1. Be it enacted by the General Assembly of Alabama, That Section 2454 of the Code of Alabama, be and the same is hereby amended, so as to read as follows:

Duty of county commissioners Section 2454. Road precincts apportioned; overseers. For the purpose of keeping roads in repair, the Court of County Commissioners, or board of revenue, at its first regular term in every fourth year, must divide the county into a convenient number of road precincts, and must, at the same court, appoint three apportioners for each election precinct, which apportioners shall forthwith proceed to appoint an overseer to each road precinct; such overseer must be between the ages of twenty-one and fifty years, and the apportioners must return a list of overseers appointed by them to the probate judge of their county, within thirty days after their appointment, who shall issue commissions as prescribed by law.

Applies only to Choctaw county Sec. 2. Be it further enacted, That the provisions of this act shall only apply to Choctaw county.

Approved January 30th, 1899.

No. 199)

AN ACT

(H. 590)

To repeal an act entitled "An act to abolish the County Court of Conecuh County."

Act repealed Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled, "An act to abolish the County Court of Conecuh county," approved December 8, 1880, be and the same is hereby repealed.

Approved January 28th, 1899.

No. 200)

AN ACT

(H. 283)

To repeal an act entitled "An act to establish a Court of County Revenues for Wilcox county," approved February 3rd, 1877, and also to repeal an act entitled "An act to amend Section 5 of an act entitled 'An act to establish a Court of Revenues for the County of Wilcox,' approved February 3rd, 1877; approved January 21st, 1879."

Section 1. Be it enacted by the General Assembly of Alabama, That Sections 1, 2, 3, 4, 5 and 6 of an act entitled "An act to establish a Court of County Revenues for Wilcox county," approved February 3, 1877, be and the same are hereby repealed. Repeal of act

Sec. 2. Be it further enacted, That sections 1 and 2 of an act entitled "An act to amend Section 5 of an act entitled 'An act to establish a Court of County Revenues for the County of Wilcox,' approved February 3rd, 1877; approved January 21st, 1879, be and the same are hereby repealed. Repeal of act
to amend

Sec. 3. Be it further enacted, That the provisions of Sections 1 and 2 of this act shall not become operative until the 1st of September, 1900. When this act
takes effect

Approved January 28th, 1899.

No. 201)

AN ACT

(H. 357)

To prohibit the sale of vinous, spirituous or malt liquors, intoxicating cider, bitters or beverages within three miles of Mount Enon Church, in Geneva county.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful to sell vinous, spirituous or malt liquors or intoxicating cider, bitters or beverages within three miles of Mount Enon church, in Geneva county. Prohibition

Sec. 2. Be it further enacted. That any person violating the provisions of this act shall be deemed Penalty

guilty of a misdemeanor, and, on conviction, shall be fined in a sum of not less than fifty nor more than two hundred dollars, at the discretion of the Court or jury trying the same.

Repeal

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved January 28th, 1899.

No. 202)

AN ACT

(H. 413

To relieve James Wiley Thomasson of Bullock county, Alabama, a minor, eighteen years of age, of the disabilities of non-age.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That James Wiley Thomasson, a minor, eighteen years of age, be, and is hereby, relieved of the disabilities of non-age, and is hereby vested with the right to sue and be sued, contract and be contracted with, to buy, sell and convey real and personal property, and generally to do and perform all acts which such minor could lawfully do if twenty-one years of age.

Approved January 28th, 1899.

No. 203)

AN ACT

(H. 136

To provide for the election of County Superintendent of Education of Washington county.

Time of

election

Section 1. Be it enacted by the General Assembly of Alabama, That at the general election in 1900 the county superintendent of education of Washington county shall be elected, whose term of office shall be four years, and until his successor has been qualified.

When to take
office

Sec. 2. Be it further enacted, That the person so elected shall immediately, after his election and qualification, enter upon the discharge of his duties.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed. Repeal

Sec. 4. Be it further enacted, That, commencing when the present incumbent's term of office shall have expired, the county superintendent of education of Washington county shall receive one hundred dollars per annum, and addition thereto, two and one-half per cent. of all the moneys received and disbursed by him. Compensation

Approved January 28th, 1899.

No. 204)

AN ACT

(H. 76

To define a lawful barbed wire fence for Baldwin county for cows, horses and mules.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person to erect, or cause to be erected, or allow to remain, any fence constructed of barbed wire in Baldwin county, unless the same shall consist of six or more wires, securely fastened to trees or posts, not more than ten feet apart, the first three barbed wires being not more than six inches apart, commencing at the ground, and the top barbed wire being not less than four and one-half feet from the ground, and this shall be a lawful fence for cows, horses and mules only. Lawful fence

Sec. 2. Be it further enacted by the General Assembly of Alabama, That any person who shall violate the provisions of this act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than ten nor more than twenty dollars. Penalty

Sec. 3. Be it further enacted by the General Assembly of Alabama, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed. Repeal

Approved January 28th, 1899.

No. 205)

AN ACT

(H. 284

To establish a Court of County Commissioners for
Wilcox County.

Election of
county com-
missioners

Section 1. Be it enacted by the General Assembly of Alabama, That at the general election on the first Monday in August, 1900, there shall be elected, by the legally qualified electors of Wilcox county, four county commissioners, who shall constitute a Court of County Commissioners for said county, and who shall hold office for the time prescribed by law.

Powers and
authority

Sec. 2. Be it further enacted, That said Court is hereby vested with all powers and authority now vested in such courts by law.

Approved January 28th, 1899.

No. 206)

AN ACT

(H. 454

To incorporate the Birmingham Academy of Music.

Incorporators

Section 1. Be it enacted by the General Assembly of Alabama, That D. W. Rowley, M. F. Cahalan, Samuel L. Weaver, B. Steiner, William Drennen, and C. H. Wolff, C. H. Naff, W. N. Wheeler, all of these, of the State of Alabama, are hereby created a corporation and body politic to be known as the "Trustees of The Birmingham Academy of Music" in Birmingham, Jefferson county, Alabama, until their successors are elected and installed after which time their successors shall have all the corporate powers herein granted and conferred.

Name

Trustees

Sec. 2. Be it further enacted, That a majority of said trustees shall be residents of the City of Birmingham.

Quorum

Sec. 3. Be it further enacted, That a majority of said trustees shall be and constitute a quorum for the transaction of business, and a trustee may be removed for sufficient cause, and vacancies filled by a majority vote.

Sec. 4. Be it further enacted, That said trustees and their successors shall have power under and by virtue of the name aforesaid to maintain an institution at Birmingham, in Jefferson county, Alabama, for the education of males and females of the white race in music, both vocal and instrumental, and to grant diplomas to all persons who shall complete the course of study which shall be prescribed by the board of trustees and to do and perform all other acts and things which are or may be necessary or proper in carrying out the purpose of an institution for the higher culture and musical education. Powers

Sec. 5. Be it further enacted, That said corporation shall have power to own, receive or possess by gift, device, purchase, or otherwise, real and personal property, not to exceed in value fifty thousand dollars, so long as the same shall be used for school purposes, or in any wise contributing to the maintenance of a school for music and shall have power to dispose of said property by sale, grant or otherwise and shall have all other rights and powers that are granted to similar educational corporations in Alabama. Powers

Sec. 6. Be it further enacted, That the trustees of said corporation shall elect the professor and teachers in said school, and fix their salaries, one of whom shall be president, and said president, professor and teachers, shall constitute the faculty of the said school. Officers and teachers

Sec. 7. Be it further enacted, That the faculty of said institute, under the supervision of the corporation, may grant and award certificates of proficiency in vocal and instrumental music. Certificates

Sec. 8. Be it further enacted, That this act shall take effect on and after its passage. When act takes effect

Approved January 28th, 1899.

No. 207)

AN ACT

(H. 370)

To declare valid certain claims against the fine and forfeiture fund of Tuskaloosa County.

Claims de-
clared valid

Section 1. Be it enacted by the General Assembly of Alabama, That all fees of officers, which would be proper claims against the fine and forfeiture fund of Tuskaloosa county, if the same had been sworn to before, or certified by the judge of the Court in which the case was tried, and which have been heretofore duly registered, are hereby declared to be valid claims against said fund, and shall be paid in the order of their registration.

Approved January 28th, 1899.

No. 208)

AN ACT

(H. 719)

To amend an act approved February 16th, 1883, entitled an act to amend an act to incorporate the Southern University of Greensboro, in the County of Greene, and for other purposes, passed January 25th, 1856.

Whereas, under and in pursuance of the act mentioned in the foregoing caption of this act, the "Annual Alabama Conference of the Methodist Episcopal Church, South," and the "North Alabama Conference of the Methodist Episcopal Church, South," did unite in sustaining and in carrying on the said Southern University and together did sustain and carry on the said institution of learning up to a late date;

And, whereas, the said "North Alabama Conference of the Methodist Episcopal Church, South," has lately established, and is now carrying on a male college within its own bounds; and, therefore, does not desire longer to unite with the said Alabama conference in sustaining and carrying on the said Southern University; and, on the 2nd

day of December, 1897, did adopt a resolution, which is as follows: "Resolved 1, That we hereby instruct the legal representatives of this conference to deed back to the Alabama conference all our rights and ownership in the Southern University;"

And, whereas, the said Alabama conference desires to continue to sustain and carry on the said Southern University, as it did prior to the adoption of the act mentioned in the caption of this act; by a board of trustees who shall reside within the bounds of the said Alabama conference; therefore,

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of the act mentioned and described in the caption of this act be, and the same is hereby amended so as to read as follows:

Section 1. Be it enacted by the General Assembly of Alabama, That P. G. Wood, A. J. Lamar, D. C. Turnipseed, L. J. Lawson, W. P. Hurt, T. F. Mangum, J. M. Mason, J. S. Frazer, W. W. Overstreet, O. C. McGehee, A. L. Andrews, W. P. Dickinson, S. H. Dent, J. A. Peterson and J. E. McCann and their successors be, and they are hereby constituted a body corporate and politic under and by the name and style of "The Southern University," with the right, and power of exercising all and singular the privileges, incidents and capacities of corporations; to sue and be sued, to grant and to receive; to contract and be contracted with; to purchase, have and hold real and personal property for the use and benefit of the said institution of learning known as "The Southern University," to have and use, and change at pleasure a seal; to make by-laws, rules and ordinances for the proper conduct and good government of the said institution of learning, "The Southern University," to elect a president and such professors as they may think proper, who shall constitute the faculty of said, "The Southern University," and to elect such tutors, teachers and assistants as they may think proper; to establish, change and abolish professorships and scholarships, as the exigencies and interests of the said, "The Southern University," may require;

Section 1
amended

And to do and perform all other acts necessary, proper and expedient for the proper conduct of the said "The Southern University," so as to render it successful in accomplishing the great object of its establishment; but the said trustees of the said, "The Southern University," shall not have the power to make a contract or create any debt or obligation binding upon any of the property or assets of the said university, except only for the necessary repairs on the buildings of the said Southern University.

Section 2
amended

Sec. 2. Be it further enacted, That Section 2 of the act mentioned and described in the caption to this act be, and it is hereby amended so as to read as follows:

Sec. 2. Be it further enacted, The trustees named in the first section of this act shall hold their office as trustees until the next regular annual session of the said Alabama conference, at which session the said conference shall elect fifteen trustees, five of whom shall hold office for one year, and five for two years, and five for three years; and the said conference from time to time, shall elect such trustees as are necessary to keep the board of trustees full and up to the number fifteen. Five trustees shall constitute a quorum to transact the proper business of the board of trustees. At each regular annual meeting of the board of trustees, they shall elect one of their number president of the board, who shall hold office until the next regular annual meeting, and until his successor is elected, and the said Alabama conference shall be the patron of the said, "The Southern University," and whenever it shall deem it proper, it shall appoint visitors to visit said university and examine into everything appertaining to its management, and into the conduct of the trustees, and of the faculty, or any of its members.

Annual meetings of
trustees

Sec. 3. That the regular annual meetings of the board of trustees be held in Greensboro at the time the commencement exercises are held.

Sec. 4. That meetings may be held at the call of the president of the board, at any place within

the bounds of the Alabama conference, the time and place to be named in the call to be published one week before the meeting in the newspaper that is the organ of the Alabama conference. Called meet-
ings

Sec. 5. Be it further enacted, That all laws, and parts of laws, general or special, in conflict with the provisions of this act be, and the same are hereby repealed. Repeal

Approved January 28th, 1899.

No. 209)

AN ACT

(H. 149)

To repeal a part of Section 2038 of the Code of Alabama so far as the same applies to Bullock County.

Section 1. Be it enacted by the General Assembly of Alabama, That the final clause of Section 2038 of 1896, in the following words, to-wit: "And every such levy is void as to such amount," be, and the same is hereby repealed, so far as the same applies to Bullock county. Part of Sec-
tion repealed

Approved January 28th, 1899.

No. 210)

AN ACT

(S. 182)

To require the clerk of the Circuit Court of Butler County to perform the duties of clerk of the County Court of said county and fixing his fees for such services.

Section 1. Be it enacted by the General Assembly of Alabama, That the clerk of the Circuit Court of Butler county shall also be the clerk of the County Court of said county, and shall perform all the duties required of him as clerk of said County Court. Duties of
clerk

Sec. 2. Be it further enacted, That he shall receive for such services as clerk of said County Court the same fees as are allowed by law for Fees

like services to clerks of Circuit Courts in this State, to be taxed, and collected in the same manner as the fees of clerks of Circuit Courts are taxed and collected.

Repeal

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed, so far as they relate to Butler county, Alabama.

Approved January 30th, 1899.

No. 211)

AN ACT

(S. 180

For the relief of B. M. Long, R. A. O'Rear, J. R. Cole and B. B. Poston of Walker County.

Whereas, B. M. Long, R. A. O'Rear, J. R. Cole and B. B. Poston paid to the tax collector of Walker county during the years of 1888 to and including 1897, the sum of \$155.44 taxes on land doubly and erroneously assessed, and, Whereas, the total amounts paid by each was as follows, to-wit: B. M. Long, \$38.00; R. A. O'Rear, \$100.19; J. R. Cole, \$8.57, and B. B. Poston, \$8.67.

Appropriation

Therefore, Be it enacted by the General Assembly of Alabama, That the auditor is hereby authorized and required to draw his warrants on the state treasurer in favor of B. M. Long, for the sum of \$38.00; in favor of R. A. O'Rear, for the sum of \$100.19; in favor of J. R. Cole, for the sum of \$8.57, and in favor of B. B. Poston for the sum of \$8.67, being the amounts paid on erroneous and double assessments by the said B. M. Long, R. A. O'Rear, J. R. Cole and B. B. Poston, and the treasurer is hereby required to pay such warrants out of any moneys in the treasury not otherwise appropriated.

Approved January 30th, 1899.

No. 212)

AN ACT

(S. 242)

To amend an act, entitled "An act for the relief of Peter Weir, J. B. Buntin and R. M. Long of Pickens County," approved February 18th, 1897, (Acts 1896-7, Page 1415), so as to read as follows:

Whereas, on or about the 1st of January, 1892, Peter Weir, J. B. Buntin and R. M. Long, each took out and paid for license to retail liquors in this State, and in said County of Pickens, and this payment thereby made in ignorance that a statute had just been enacted which prohibited such sale in their neighborhood; and, whereas, the said persons promptly desisted from selling liquor within a few days after, when informed of such statute, therefore:

Section 1. Be it enacted by the General Assembly of Alabama, That the State auditor be, and is hereby directed and authorized to investigate the facts as to such payment, and repay the sums so paid the State, less one-twelfth thereof in each case if he shall find that such payments were made.

Appropriation

Approved January 30th, 1899.

No. 213)

AN ACT

(S. 137)

To amend Section 1 of an act, entitled "An act to amend an act to create a separate school district in the Town of Brewton, Alabama, to define its boundaries, and provide for the maintenance of schools therein," approved February 6th, 1895, so as to exclude from said school district, all that part of said district lying east of Murder Creek.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of an act entitled "An act to amend an act, to create a separate school district in the Town of Brewton, Alabama, to define its boundaries, and provide for the mainten-

ance of schools therein," approved February 6th, 1895, be, and the same is hereby amended so as to read as follows:

Separate
school dis-
trict

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district, to be known as the Brewton school district, of Escambia county, Alabama, be, and the same is hereby established to consist of all that part of Township 2, Range 10, lying within two miles of the court house in the Town of Brewton: Provided, That all that part of said school district lying east of Murder Creek in said school district, shall be excluded and shall not be a part of the said Brewton school district, of Escambia county, Alabama, and the inhabitants of said territory are hereby incorporated under the name of the Brewton school district, and by that name may sue and be sued, contract and be contracted with, may have, take, hold, sell, exchange, rent, lease and convey real and personal property, buy, rent and lease school houses and exercise all the rights, powers, franchises, and privileges, which are or may be necessary and proper to carry into effect the purpose of this act for the successful operation of a system of public schools, within said district.

Sec. 2. Be it further enacted, That all laws, general or special, in conflict with this act, be, and the same are hereby repealed.

Approved January 30th, 1899.

No. 214)

AN ACT

(S. 125

To declare E. S. Farrish, Jr., No. 2, a liner between the Counties of Monroe and Wilcox a citizen of Wilcox County.

Citizens of
Wilcox

Section 1. Be it enacted by the General Assembly of Alabama, That E. S. Farrish, Jr., No. 2, who resides in Monroe county, at or near the line between Monroe and Wilcox counties, is hereby declared to be a citizen of Wilcox county.

Approved January 30th, 1899.

No. 216)

AN ACT

(H. 220

To prohibit and to regulate the catching, killing, hunting, taking, selling or bartering game and fish in the County of Tuscaloosa, and to provide punishment therefor.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act it shall be unlawful for any person to hunt, kill, trap, net or catch in any manner, any partridges, or quail, or wild turkeys, between the 1st of March and the 15th of November, of each year. Partridges
and turkeys

Sec. 2. Be it further enacted, That it shall be unlawful for any person to hunt, kill, take, net, trap, or catch in any manner, doves, between the 1st day of March and the 15th day of July of each year within the county. Doves

Sec. 3. Be it further enacted, That it shall be unlawful for any person to hunt, chase, kill or pursue with intent to kill, any deer, between the 1st of February and the 1st of November of each year. Deer

Sec. 4. Be it further enacted, That it shall be unlawful for any person to sell, outside of said county, to ship, or send, from out of said county, any of such game or kind above mentioned. Unlawful

Sec. 5. Be it further enacted, That it shall be unlawful for any person to catch any fish, within one-fourth mile of the government locks, on the Warrior River, in said county, by means of traps, or to place any traps in said stream within the limits above set forth. Fish traps

Sec. 6. Be it further enacted, That any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than one hundred dollars, and one-half of the fine shall be awarded by the Court trying the case to the prosecutor, or the party reporting such offense; that any and all Courts in the County of Tuscaloosa shall have jurisdiction of the offense. Penalty

Approved January 30th, 1899.

No. 217)

AN ACT

(H. 104

To repeal an act to declare F. M. Dansby, a liner between the Counties of Dallas and Perry, a citizen of Dallas County, approved February 19th, 1889.

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That an act to declare F. M. Dansby, a liner between the counties of Dallas and Perry, a citizen of Dallas county, approved February the 19th, 1889, be, and the same is hereby repealed.

Approved January 30th, 1899.

No. 218)

AN ACT

(H. 300

For the relief of B. C. Pomeroy, late Deputy Sheriff of Lauderdale County, Alabama.

Duty of com-
missioners
court

Section 1. Be it enacted by the General Assembly of Alabama, That the Commissioners Court of Lauderdale county are hereby authorized to pay to B. C. Pomeroy, late deputy sheriff of said county, the actual expenses of the said B. C. Pomeroy, money paid out by him for doctor bill and nurse while being treated for wounds received by being shot through the body by 32-caliber Winchester rifle while attempting to arrest Dan Mills, charged with burning Poplar Springs Church in Lauderdale county; also the amount paid to the sheriff of Henderson county, Tennessee, for the arrest and detention of Dan Mills until he could be removed to Lauderdale county, Alabama, for trial: Provided, The amount to be allowed under this act not to exceed one hundred and eighty dollars.

Approved January 30th, 1899.

No. 219)

AN ACT

(H. 549)

To regulate fees of Justices of the Peace and Constables in the Counties of Lamar and Fayette.

Section 1. Be it enacted by the General Assembly of Alabama, That justices of the peace in said counties of Lamar and Fayette shall receive a fee of one dollar for issuing a summons and complaint, and a fee of one dollar for issuing a warrant of arrest: Provided, That this act shall not apply to cases convicted and sentenced to hard labor for the State.

Fees of justices of the peace

Sec. 2. Be it further enacted, That constables in said counties shall receive a fee of one dollar for serving a summons and a fee of fifty cents for summoning each witness, and a fee of one dollar for executing a warrant of arrest.

Fees of constables

Sec. 3. Be it further enacted, That constables shall receive sheriffs fees when he does sheriffs work.

Sec. 4. Be it further enacted, That all laws or parts of laws, general or special, that are in conflict with the provisions of this act, be, and the same are hereby repealed.

Repeal

Approved January 30th, 1899.

No. 220)

AN ACT

(S. 122)

To amend Section 2 of an act to amend Sections 1 and 7 of an act entitled "An act to provide a system of Water Works for the City of Montgomery," approved the 26th day of January, 1891, approved December 9th, 1896.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 2 of an act to amend Sections 1 and 7 of "An act entitled an act to provide a system of water works for the City of Mont-

gomery, approved the 26th day of January, 1891, approved December 9th, 1896," be amended so as to read as follows:

Rates of charges It shall be the duty of said city council, and it is hereby authorized, to charge and collect from consumers, who may be supplied with water from the plant or works to be purchased or erected under authority of this act, at a rate sufficient to pay the interest on the bonds issued under this act, the cost of operating the works, in which shall be included repairs, and to provide a sinking fund for the purposes hereinafter named: Provided, The rates so charged shall not exceed the limits prescribed by Section 4 of this act; and, provided, further, that the expense of operating said works shall be paid first from the receipts of said works; and that said council shall also have the power and authority to set apart such per centum of the receipts from said water works as it may deem necessary, as a sinking fund, which shall be used to pay off the principal of said bonded indebtedness and the expense of renewals and improvements on said works, and no other. The treasurer of said city shall keep a separate account of said sinking fund, and the condition thereof shall be reported in the same manner as other funds in the city treasury. The said council shall have the authority, from time to time, in its discretion, to invest the money to the credit of said sinking funds in bonds of the City of Montgomery, the State of Alabama, or of the United States of America.

Sinking fund

Approved January 30th, 1899.

No. 221)

AN ACT

(H. 395

For the preservation and protection of birds in
Lee County.

Doves and
partridges

Section 1. Be it enacted by the General Assembly of Alabama. That after the passage and approval of this act, it shall be unlawful for any person to

kill, trap or net in Lee county, at any time between the 1st day of March and the 1st day of November in any year, any bird or birds, commonly called doves or partridges.

Sec. 2. Be it further enacted, That any person guilty of a violation of this act shall, on conviction, be fined not less than ten nor more than fifty dollars: Provided, That justices of the peace in their respective precincts in said county shall have jurisdiction of prosecutions under this act concurrently with the county and Circuit Courts.

Penalty

Approved January 30th, 1899.

No. 222)

AN ACT

(H. 546

To prevent the running at large of stock in certain portions of Greene County.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall not be lawful for stock of any kind or description whatever to run at large in that portion of Greene county, described as follows, to-wit: East $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 8, W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 8, 24 acres off of the south end of the E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 8; NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 17, 36 acres off of the north end of W $\frac{1}{2}$ of NE $\frac{1}{4}$ Section 17, NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 17, all above lands in Township 23, Range 1, east. Also, NW $\frac{1}{4}$ of Section 5, SW $\frac{1}{4}$ of Section 5, the W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 5, the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6; NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 8; and the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, all of the last above described lands in Township 23, Range 1, east. Also the W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 8, the E $\frac{1}{2}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6; the E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 8, all in Township 23, Range 1, east. Also SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 6, Township 23, Range 1, east. W $\frac{1}{2}$ of NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Section 7, all of the E $\frac{1}{2}$ of W $\frac{1}{2}$ of Section 7, east of creek, W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 8, all in Township 23, Range 1, east. 200 acres west of creek

Stock district

and north of road, in the W $\frac{1}{2}$ of Section 7, Township 23, Range 1, east. Also E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 1, E $\frac{1}{2}$ of NW $\frac{1}{4}$, less 49 acres in Section 12, the last described lands being in Township 23, Range 1, west. Also E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 31, and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 32, last described lands being in Township 24, Range 1, east.

Damages

Sec. 2. Be it further enacted, That the owner of any stock running at large in violation of the provisions of the first section of this act, whether such owner resides, or the stock is owned by parties within the limits above described or not, shall be liable to the party injured for any damages committed by said stock to any lands, crop, fruit trees, shrubbery or other property within the above described limits, and the party injured shall have a lien paramount and superior to all other liens on the stock committing such injuries or damages.

Trial

Sec. 3. Be it further enacted, That whenever any damage has been committed to any land, crops, fruit trees, shrubbery or other property in the districts or limits as aforesaid by stock running at large in violation of the provisions of Section 1 of this act, the party whose property has been damaged may, within ten days after such damage has been committed, make complaint against the owner of the stock doing the damage or injury, to a justice of the peace or notary public with power of a justice of the precinct, in which such damage has been done, or if there be no justice of the peace or notary public with power of a justice, of the precinct in which such damage has been done, then to a justice of the peace or notary public with powers of a justice of any adjoining precinct in said county, describing the property damaged or injured, and the stock doing the damage, and whenever such complaint is made to the justice of the peace or such notary public, he shall issue notice to the owner of such stock commanding him to appear and answer such complaint on a day not less than five nor more than ten days from issuance of said complaint; said justice of the peace or notary public shall also issue notice to three disinterested

freeholders, to be selected by him, who reside in the precinct in which such damage has been done, commanding him to assess and report to him on the day on which the owner of said stock is required to answer said complaint, on their oath, the extent and amount of damages the complainant has sustained, which report shall be evidence on the trial of the cause; and if the owner of said stock appears on the day he is commanded to appear and answer said complaint, the justice of the peace or notary public shall try such cause, and render such judgment therein as the law demands, and if the owner of such stock does not appear and answer, the justice of the peace or notary public shall give judgment for the complainant for such damages as he may have sustained; if judgment be rendered for the complainant, the justice of the peace or notary public shall also render judgment condemning the stock doing the damage or injury, to be sold for the satisfaction of such judgment, and the costs of the suit, and shall issue execution on such judgment describing such stock therein, commanding any constable of Greene county to levy upon and sell such stock, for the satisfaction of such judgment and costs, and such sale shall be conducted in like manner as sales under other executions issued by justices of the peace.

Sec. 4. Be it further enacted, That either party shall have the right to appeal from the judgment of the justice of the peace or notary public, in such cause, either to a jury or to the Circuit Court in accordance with the requirements of the statutes, as now provided. Appeal

Sec. 5. Be it further enacted, That the owner, party in possession of or manager of any stock, who shall knowingly suffer such stock to run at large at any time in violation of the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than twenty-five dollars, and on failure to pay the same, with the costs, shall be sentenced to hard labor for the benefit of the county for not less than thirty nor more than ninety days for such fine: Provided, That justices of the peace, Penalty

and notaries public, with powers of a justice of said Greene county, shall have jurisdiction of the cases and offenses under this section; and, provided further, that all prosecutions under this section must be commenced in twenty days after the commission of the offense, and that the party injured by such stock shall alone have the right to institute such prosecution.

Penalty

Sec. 6. Be it further enacted, That any freeholder of said Greene county who has been selected and notified under section three of this act, and who is liable to serve under said section, who shall fail to serve and perform the duties required of him therein, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than twenty dollars: Provided, That justices of the peace and notaries public, with jurisdiction of justices in Greene county, shall have jurisdiction of offenses under this section.

Approved January 30th, 1899.

No. 223)

AN ACT

(H. 166

To amend Section 3 of an act entitled "An act to establish a new charter for the Town of Attalla," approved February 28th, 1889.

Section 1. Be it enacted by the General Assembly of Alabama, That section 3 of an act entitled "An act to establish a new charter for the town of Attalla," approved February 28th, 1889, be and the same is hereby amended so as to read as follows:

Government
of

"Sec. 3. Be it further enacted, That the government of said city shall consist of, and its corporate power be exercised by, a mayor and four aldermen, or five aldermen in case of increase as aforesaid. One alderman for each ward, who shall be elected on the first Tuesday in March, 1898, and biennially on the first Tuesday in March thereafter, by ballot by the male inhabitants of said city of and over twenty-one years of age, who have resided in the State twelve months, in the county three months,

and in the ward thirty days next preceding said election, and are qualified electors under the general election laws of Alabama; that should the election not occur on the day fixed for the biennial election of mayor and aldermen, the corporation shall not, for that cause, be dissolved, but the incumbents shall remain in office until their successors are duly elected and qualified; and it shall be the duty of the mayor and aldermen to fix some day as early as convenient within one month thereafter, on which day said election shall be held; and should the mayor and aldermen fail to provide for the election biennially, they shall be guilty of a misdemeanor. The officers elected shall hold their offices until their successors are duly elected and qualified.

Elections

Approved January 30th, 1899.

No. 224)

AN ACT

(H. 527)

To provide for the election of officers in the Town of Centerville, and to grant said town additional powers.

Section 1. Be it enacted by the General Assembly of Alabama. That immediately upon the passage of this act, the judge of probate of Bibb county shall order an election, to be held for the town of Centerville, for the purpose of electing a mayor, four councilmen and a city attorney, of which said election he shall give notice for ten days of the time, place and purposes of said election, by posting the same at courthouse door and three other public places within the corporate limits of the said town, as provided in the charter granted, by the probate judge of Bibb county, on the 6th day of November, 1890.

Officers to be
elected

Sec. 2. Be it further enacted, That the sheriff of Bibb county shall appoint three qualified voters within said corporate limits as managers of said election, whose duty it shall be to assemble at the place designated in said notice and, after having

Election and
managers

been sworn by any officer authorized by law to administer oaths, they shall announce the polls to be opened; and that after such announcement, any one or more of them may receive the ballot from the electors, which ballot shall consist of the name or names of the respective candidates that the voter may wish to vote for, either written or printed, as voters may elect, which ballot shall be folded and handed to one of the managers, by the voter in person, whose name shall be taken down by the manager, and his ballot placed by the manager in the ballot box, which ballot box shall be furnished by the sheriff of Bibb county.

Opening and
closing of
polls

Sec. 3. Be it further enacted, That said poll shall be open at ten o'clock a. m. and closed at four o'clock p. m., and that on the closing of the polls said manager or managers shall open said ballot box and count the ballots, and any two of the said managers may declare the result, and any one or more of the said managers shall certify the same to the probate judge of Bibb county; and the said officers so elected shall be deemed ready to discharge the duties of their respective offices, upon taking the regular oath of office before the probate judge of Bibb county, Alabama.

Qualifications
of electors

Sec. 4. Be it further enacted, That the qualifications of said electors, in said election, shall be the same as provided under the State and county regulations for elections.

Term of office

Sec. 5. Be it further enacted, That the officers so elected shall hold offices for two years from the time of said election, and until their successors shall be elected and qualified; and that all future elections for said town shall be held as hereinbefore provided.

Qualifications
of officers

Sec. 6. Be it further enacted, That no person shall hold the office of mayor or councilman of said town who has not resided therein one year next preceding his election; and that no person shall hold the office of marshal who is not entitled to vote in any election for mayor and councilmen, or who has not resided in said town for three months next preceding his election.

Sec. 7. Be it further enacted, That the ballot cast at any election held under this act shall, after being counted, be carefully sealed up, with the poll list kept at such election, and labeled, and shall be kept by one of the inspectors for twenty days, without being opened; and then, if there be no contest instituted for any of the offices filled by such an election, they shall be burned without being opened; but in the event of a contest, they shall be delivered to the judge of Court trying the same. Ballots

Sec. 8. Be it further enacted, That any election held under this act may be contested for any of the grounds for contesting elections under the general laws of the State for contesting elections. Such contest shall be tried before the judge of the Fourth judicial circuit of Alabama, and shall be governed by the contest rules, as laid down in the Code of Alabama, so far as the same are applicable: Provided, That such contests are begun within twenty days after the said elections are held. Contests

Sec. 9. Be it further enacted, That, if the mayor or any councilman, during his term of office, and after qualifying, shall die, resign, remove from said town, refuse to act or be permanently disabled from acting, the remaining members of the board shall elect in his stead, if mayor, one of their number; if councilman, another councilman from the citizens of said town, who shall have the qualifications set out above in this act; and the person so elected shall remain in office during the remainder of the term, and until their successors are elected and qualified; and if any person elected to the office of mayor or councilman under any of the provisions of this act, shall fail or refuse to qualify within twenty days after their election, the remaining members of the board shall elect, in his stead, if mayor, one of their own body, or if councilman, some person having the qualifications set out in the above section of this act, who shall continue in office during the remainder of the term, and until their successors are elected and qualified. Vacancies

Sec. 10. Be it further enacted, That in filling the vacancies in any offices, as provided in the preceding Judges of qualifications

ing sections of this act, the councilmen shall be the judge of the qualification of the mayor, and the mayor and acting councilmen shall be the judges of the qualifications of a councilman.

Quorum

Sec. 11. Be it further enacted, That a majority of the board of mayor and councilmen shall constitute a quorum for the transacting any business; they shall fix their own sessions, and special meeting of the board may be called by the mayor, at his own option, or at the call of any two councilmen. In case of sickness or temporary absence of the mayor, the councilmen may appoint one of their own number to act as mayor pro tem., and such mayor pro tem. shall exercise all the powers and perform all the duties of the mayor; but the mayor, or any councilman, shall not vacate his office by any temporary absence from the town or State.

Duties and
powers of
mayor

Sec. 12. Be it further enacted, That it shall be the duty of the mayor to attend and preside over all the meetings of the council, keep, or cause to be kept, in a well bound book kept for that purpose, a minute of the proceedings, and perform all other duties required of presiding officers of deliberative bodies; and he shall have the power and authority to take jurisdiction of every violation of the laws and ordinances of said town, and to try, convict and punish the person committing the same by fine and imprisonment in the town prison, one or both, at his discretion. He shall also have the jurisdiction of a justice of the peace in all matters, civil and criminal, arising within the corporate limits of said town.

Powers of
mayor and
councilmen

Sec. 13. Be it further enacted, That the mayor and town councilmen shall have power to elect a marshal for the town, and such other officers and agents as may be necessary and proper to execute the powers herein conferred upon such corporation, or as may be deemed proper for the good government of the town; to prescribe their duties, liabilities and powers; to require of them bonds, with sureties as may be deemed by them expedient for the faithful discharge of their duties; to remove or discharge, at any time, any or all of such officers or agents, for failure to perform any duty required

of them under the laws and ordinances of the said town, or when their services as such officers or agents shall be no longer needed, a majority of the board concurring in such removal; and to fix and regulate, from time to time, the compensations of such officers or agents. The officers or agents so appointed shall continue in office, unless removed, until the next biennial election of officers for said town, and until their successors are elected and qualified. The election of marshal, as herein provided, shall be had at the first regular meeting of the board after each biennial election for mayor and councilmen; provided, the mayor and councilmen elected at such election shall be qualified; otherwise, at the first regular meeting of the board after such officers have been qualified, unless such election is, by order of the board, deferred to another time.

Sec. 14. Be it further enacted, That the town clerk, or, in case no clerk shall be elected, the mayor, shall keep a regular record of all proceedings, orders, regulations and ordinances of the board; which shall be read to the board and signed by the mayor or presiding chairman, and the same shall have the force and effect of a record; but all ordinances shall be approved by the mayor; and in case the mayor shall fail to approve any ordinance enacted by the council, he shall return the same to the council with his objection thereto; and then, if four of the board of mayor and councilmen shall vote in favor of the ordinance, it shall become a law, and the mayor must approve the same; but before any ordinance shall go into effect, it must be published ten days by publication in some newspaper, if any be published in said town; if none be published there, then by posting copies as above prescribed. The ordinances shall also be recorded in a well bound book kept for that purpose, and when so recorded, such record shall be received in evidence in any Court of this State, and have the same force and effect in such Court, or elsewhere, as the original ordinance would have; and in case where said record cannot be obtained, a copy of the same, certified by the mayor of said town, shall be

Record of
proceedings

Veto

Publication

received as evidence in all cases in which the original ordinance would be admissible, and have the same effect as the original would have. The mayor shall keep all records of said corporation in his office, and they shall at all times be open to inspection.

Authority
and duties
of marshal

Sec. 15. Be it further enacted, That the marshal shall have authority, at all times, without a warrant, to arrest all offenders breaking the peace or violating any ordinance or law of said town, and bring them before the mayor, or imprison them, or require bond and security of them for their appearance before the mayor, as the ordinance of the said town shall direct; to execute by levy and sale, if necessary, all process issued by the mayor or clerk for the collection of taxes, fines, forfeitures and other dues owing to said town, and to discharge such other duties as may be required of him by the laws and ordinances of said town. He shall also be authorized to execute all process issued by the mayor of said town, acting as justice of the peace, and his acts in regard to such process shall be valid to all intents and purposes.

Powers of
mayor and
councilmen

Sec. 16. Be it further enacted, That the mayor and councilmen shall have power to declare, prevent and remove nuisances; to prevent the introduction of contagious or infectious diseases within the corporate limits of said town, and provide places for the reception of the sick, to erect a calaboose; to establish day and night watches; to erect and repair bridges; to sink and repair public wells; to erect sewers; to open and keep in repair streets, avenues and alleys; to prohibit and disperse unlawful or disorderly assemblies; to license, restrain and regulate theatrical and other exhibitions and shows of whatever kind or character for pay, except lectures and concerts for charitable purposes; to license and regulate bankers, pedlers, hackney coaches, carriages, wagons, carts and drays and other vehicles of like kind running from one part of said corporate limits to another for hire; to license and regulate pawnbrokers, auctioneers, commission merchants, grocery merchants, the keeping of hotels, eating or boarding houses, bowl-

ing saloons, tenpin alleys, and the stores and shops for the sale of any goods, provisions, drugs or other articles or commodity whatever; to fix the price of or tax on all license, and fix the time when they shall expire; to restrain gambling or gaming houses, houses of ill-fame; to punish and prohibit violations of the Sabbath; to prevent live stock of any kind from running at large in said town; to prohibit riots, assaults, assaults and batteries, and all other breaches of the peace, and all the misdemeanors and felonies, and all disorderly conduct; to provide for the punishment, by fine or imprisonment, or by work on the streets or other works of the town, or both, for any breach of the laws or ordinances, but no fine shall exceed fifty dollars, and no imprisonment or work on the streets or other works of the town shall exceed twenty days; and also to provide, in cases where fine and costs are not presently paid or secured by the party convicted, that the party so in default shall work out the fine and the costs under the direction of the town officers: Provided, That the time of such work shall not exceed thirty days; and to enact all such by-laws, laws and ordinances as may be necessary to execute and enforce the powers herein granted, or as may be expedient for the good government of the town, not contrary to the constitution and general laws of this State or to the restrictions in this act expressed.

Powers of
mayor and
councilmen

Sec. 17. Be it further enacted, That the corporate authorities of said town shall have power to condemn private property for the use of the streets, avenues and alleys, and for the improvement of a public nature in said town, and that whenever the corporate authorities shall deem it necessary to obtain any private property for the purpose expressed above, and the board of mayor and councilmen, and the owner of such property, cannot agree upon any terms or value respecting the same, the mayor of said town shall select two citizens of said town, who are entitled to vote at any election therein, and the owner of such property shall select two citizens of said town, voters therein, and these four selected thus shall select a fifth man of

Power to
condemn
private
property

like qualifications, and the five men so selected shall constitute a board for assessing the damages to such owner; the said corporate authorities shall then have authority to appropriate such property to such public use; provided, in all cases, the board of assessors so selected shall, before assessing the damages, take an oath to assess the damages without favor or partiality. If the owner of such property, after five days' notice from the mayor of said town, requiring him to make such selection of a board of assessors, fail or refuse to do so, then, in such case, the mayor may make the selection of the four men, which four shall select the fifth man, as hereinbefore provided, and the five selected then shall make the assessment as herein provided.

Authority
and powers

Sec. 18. Be it further enacted, That the corporate authorities of said town shall have authority to cause all vagrant or idle persons, all persons of ill-fame or evil life, common prostitutes and such as have no visible means of support, or likely to become a public charge as paupers, or found begging in or about the streets, being able-bodied persons, or can show no reasonable or legitimate course of business or employment, all who have no place of residence or cannot give good account of themselves; all who are indecent of language or behavior on the streets, to give security for their good behavior for a reasonable time, not to exceed twelve months, and to indemnify the town against any charge of their support, and in case of their inability or refusal to give such security, to cause them to be confined in the town prison, or sentenced to labor on the streets, or other works of the said town, for a limited time, not to exceed fifteen days in any one month; and if such persons be found afterwards so offending, such security may be again required, and on failure to give the same, like proceedings may be had as often as may be necessary.

Taxes

Sec. 19. Be it further enacted, That the mayor and councilmen shall have authority to levy and collect taxes on real and personal property in the corporate limits, on auction sales and sales of merchandise, and on all property in the corporate lim-

its of the said town upon which the State levies and collects taxes under the general laws of the State: Provided, That no tax shall be levied or collected upon the sales under judicial proceeding or under executions or by administrators, executors, guardians, or under a deed of trust or mortgage for the security of any debts.

Sec. 20. Be it further enacted, That the tax levied and collected on personal and real property by virtue of the powers herein granted, shall not, in any year, exceed one-half of one per cent. of the value thereof, and shall be levied according to the assessment thereof, and valuation of the said property taxed made by such persons and under such regulations as the mayor and councilmen may prescribe, which assessment the mayor and councilmen are authorized to make, or they are empowered to appoint one of their number, or the marshal, or other officer, to make; and they shall have power and authority to revise and correct the assessment so made as they may deem proper. Rate of tax

Sec. 21. Be it further enacted, That the mayor and councilmen may provide for the payment of a street tax, not to exceed three dollars and a half in any one year, by each male person within the corporate limits of said town between the ages of eighteen and forty-five years, who are not exempt by the laws of this State from road duty in lieu of working on the public streets, avenues and alleys of said town; such street tax is to be collected at such times and under regulations as the mayor and councilmen may prescribe by ordinance. Street tax
All male persons between such ages, and not exempt from road duty under the general laws of this State, shall be liable to work on the streets, avenues and alleys of said town, or pay such street tax in lieu thereof as may be prescribed by ordinance, as may be enacted by said corporate authorities; but no such person shall be required to work on the streets, avenues and alleys of said town more than ten days in any one year, and all persons residing within the corporate limits of said town and liable to work on the streets therein, shall be

exempt from road duty outside of said corporate limits.

Rules and regulations for assessing and collecting taxes

Sec. 22. Be it further enacted, That full power and authority are hereby given to the corporate authorities of said town to establish such rules and regulations not inconsistent with the provisions of this act, for the assessment and collection of the taxes authorized by this act, as they may deem expedient; and to provide and employ all lawful means and proceedings to enforce and collect the same, and to impose such fines and penalties not inconsistent with this act, for the violation of their ordinances in reference to taxes and revenues of said town, as they may deem requisite and proper; and for any mistake, fraud or other deficit in the levy and assessment of taxes, said corporate authorities may, if they deem it necessary and expedient, set aside such assessment and levy, in whole or part, according to circumstances, and direct a new assessment and levy, in whole or in part, as the case may require.

Taxes a lien on property

Levy and sale

Sec. 23. Be it further enacted, That all taxes assessed or levied in pursuance of this act shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property so assessed, and all other property within the corporate limits of said town of the party against whom the same are assessed and levied, and such lien shall have a priority over all other liens, except the lien for State and county taxes; and the person appointed to collect such taxes must, on failure of the party to pay the same, proceed to collect the same by levy and sale of the property of the person to whom assessed; or, if assessed to an owner unknown, by the sale of the property. All such sales of property for the payment of taxes must be made by public outcry to the highest bidder, and must be after twenty days' notice by publication in some newspaper published in the town. The person appointed to collect such taxes shall make such sales under such rules and regulations as the corporate authorities may prescribe; but in case of sale of real estate for taxes,

if more than one lot is assessed to the same person, the smallest lot shall be sold first, and no more shall be sold than is necessary to pay the taxes and costs due from such person: Provided, That less than one whole lot shall not be sold; and whenever a lot shall be sold for taxes, and more is bid for it than the taxes and costs due from the owner amounts to, such overplus shall be turned over to such owner, if known; if unknown, it shall be disposed of as the mayor and council shall direct, subject to the order of the owner when ascertained. The officer making the sale shall give the purchaser of the real estate so sold a certificate of purchase in such form as the corporate authorities may prescribe, which certificate shall be prima facie evidence of the regularity of all the previous proceedings, and of all the facts recited therein, and also that all the requirements of the law in reference to the levy and assessments of taxes and the sale of the property have been complied with; provided, however, that any real estate sold for the payment of the taxes under this act may be redeemed by the owner thereof, or his agent or attorney, or by any person having a beneficial interest therein, or a valid lien thereon, at any time within two years from the date of the sale upon the payment of the amount for which the property was sold, with interest at the rate of ten per cent. per annum, and all taxes which may have accrued; provided, infants, lunatics and married women shall be allowed one year after the removal of their disabilities in which to make such redemption, and upon such payment being made, or the amount thereof being deposited with the mayor of said town, within the period allowed for such redemption, the purchaser of such real estate shall surrender to the person making such deposit or payment, his agent or attorney, the certificate of purchase, and the same shall be canceled, and the mayor of said town shall give to such original owner, his agents or attorney, a certificate certifying the fact of such redemption, and thereafter the title created by such sale certificate shall cease, and the purchaser

Redemption

or any person claiming under him shall relinquish possession, and on failure to do so, he shall be liable for unlawful detainer.

Record of sale of said town shall record, in a well bound book
Sec. 24. Be it further enacted. That the mayor kept for that purpose, and called record of sales, all sales of land made for the payment of taxes due said town; and upon the expiration of the time allowed for the redemption of such land sold for taxes, if not redeemed, shall, upon the presentation of the certificate of purchase and the payment of one dollar, execute substantially in the form required under the general laws of the State for tax deeds, a deed to the purchaser, or his assignee for the same, and such deed shall have the same force and effect as the tax deeds have under the general laws of the State; and when any lands so sold for taxes shall be redeemed, as in this act provided, the mayor shall make an entry, showing such fact in such said book, and shall cancel the certificate of purchase given the purchaser for the same; he shall record in said book all sales of land made under execution from any Court by these corporate authorities, and also the condemnation of all lands condemned, as in this act provided, for the public use of said town, and the proceedings of the condemnation.

Impeachment Sec. 25. Be it further enacted. That any councilman of said town may be impeached and removed for any of the causes in Section 1, Article 7, of the Constitution of the State of Alabama, before the mayor and remaining councilmen sitting as a court, upon the complaint of two or more citizens of said town entitled, under this act, to vote at any election of officers in said town. Such complaint shall state clearly the grounds of impeachment, and shall be sworn to by at least one of the complainants, and filed with the mayor. Upon the filing of such complaint, the mayor shall issue a notice to the councilman against whom complaint is made, to appear before the mayor and councilmen at a time specified in such notice or summons, to answer such complaint. Such notice or summons shall be ac-

accompanied by a copy of the complaint, and shall be served by the marshal by giving the defendant a copy at least five days before the time set for hearing the complaint. He shall also notify the other councilmen to appear at said time, for the purpose of hearing the said complaint, which notice shall also be served by the marshal at least two days before the time set for hearing of the said complaint. He shall also issue subpoenas for witnesses for either party, which shall be served by the marshal, and the mayor and remaining councilmen shall, at such time, proceed to hear and determine the truth of said complaint, unless for good and sufficient cause the same is continued to another time. If, upon such investigation, they are satisfied of the truth of the complaint, they shall remove such councilman from office, a majority of the Court concurring, and proceed to fill the vacancy thus caused, as hereinbefore directed.

Sec. 26. Be it further enacted, That from and after the passage of this act, the incorporation of this town under the general laws of this State, shall be, and the same is, hereby annulled and held for naught: Provided, That the present intendant and councilmen of said town shall continue in office as mayor and councilmen until the first election is held under this charter, and until their successors are elected and qualified; and they are authorized and empowered to do any and all acts necessary to carry into full force and effect all the provisions of this act.

Authority of
present officers

Sec. 27. Be it further enacted, That all ordinances, by-laws and regulations of said town now in force, so far as the same are not inconsistent or contrary to the provisions of this act, shall have the same force and effect as if enacted and promulgated under this charter.

Effect of present laws

Sec. 28. Be it further enacted, That the mayor and council of said town are hereby fully empowered to borrow money, not to exceed the sum of twelve thousand dollars, at such rate of interest and payable at such time as they may decide, and to secure said money, they are fully empowered to

May borrow
money and
issue bonds

issue bonds of said town and to negotiate and sell the same: Provided, all the money so borrowed shall be applied exclusively to the erection of a system of water works and a system of gas or electric lights, and maintaining the same.

Repeal

Sec. 29. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved January 30th, 1899.

No. 225)

AN ACT

(S. 213

To amend section 1588 of the Code of Alabama of 1896, so far as the same relates to Lawrence County.

Code, Section
amended

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1588 of the Code be amended so as to read as follows: "Section 1588. Inspectors and precinct returning officers: how appointed.—That the members of the Court of Revenue for said County of Lawrence, or a majority of them, except the probate judge, must meet at the courthouse in said county at least thirty days before the holding of any election in said county, and appoint three inspectors for each place of voting, two of whom shall be members of opposing political parties, if practicable, and one returning officer for each precinct, to act at the place of holding elections in each precinct; and it shall be the duty of the sheriff of said county to notify such inspectors and returning officers, in person, of their appointment within ten days after such appointment: Provided, That the provisions of this act shall apply only to the County of Lawrence.

Approved February 1st, 1899.

No. 226) AN ACT (H. 687
To establish a new Charter for the Town of Abbeville.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the town of Abbeville, in Henry county, Alabama, shall be and continue a body politic and corporate, and shall hereafter consist of a mayor and council and shall be known and styled as "The Town of Abbeville," and by this corporate name may sue and be sued, grant, receive and do all other acts as natural persons in respect to the powers herein granted, may purchase and hold real estate, personal, real and mixed property; may grant, bargain, sell and convey the same for the benefit of said town, and may have and use a seal, which may be broken or changed at pleasure.

Sec. 2. Be it further enacted, That the corporate limits of said town shall be and extend one-fourth of a mile north of the public square, in which the courthouse is situated; one-half mile west from said public square, one-half mile east of said public square, and three-fourths of a mile south from said public square; said boundary lines of said corporation forming a square of the dimensions aforesaid.

Sec. 3. Be it further enacted, That said town shall be, and the same is hereby, divided into four wards, described and bounded as follows: Ward No. 1, shall contain all the part of the town bounded as follows: Commencing at the northwest corner of Kelly and Kirkland streets and running north along the west side of Kirkland street to the northern limits of the town, thence west to the northwest corner of the town limits, thence south to Kelly street, thence east along the north side of Kelly street to the starting point. Ward No. 2 shall contain all the parts of the town bounded as follows: Commencing at the southwest corner of Kelly and Kirkland streets and running due south to the southern limits of the town, thence west to the southwest corner of the town limits, thence north to Kelly street, thence east along the south

side of Kelly street to the starting point. Ward No. 3, shall contain all that part of the town bounded as follows: Commencing at the southeast corner of Kelly and Kirkland streets and running due south to the southern limits of the town, thence east to the southeast corner of the town limits, thence north to Kelly street, thence west along the south side of Kelly street to the starting point. Ward No. 4, shall contain all that part of the town bounded as follows: Commencing at the northeast corner of Kelly and Kirkland streets and running north along the east side of Kirkland street to the northern limits of the town, thence east to the northeast corner of the town limits, thence south to Kelly street, thence west along the north side of Kelly street to the starting point.

Sec. 4. Be it further enacted, That the present board of intendant and council of the Town of Abbeville hereafter to be known as the mayor and council of the Town of Abbeville, shall hold and continue in office until their successors are duly elected and qualified; and that the election for municipal officers under this act shall be held on the first Monday in April, 1899, and every two years thereafter; and the officers so elected shall hold their offices for two years from the date of said election, or until their successors are elected and qualified.

Sec. 5. Be it further enacted, That there shall be elected, on the first Monday in April, 1899, and every two years thereafter by the qualified electors of said town, the following officers, namely: One mayor, four councilmen, one from each ward, as described in Section 3 of this act, and one marshal.

Sec. 6. Be it further enacted, That in all elections hereinbefore provided for, the mayor for the time being shall give twenty days public notice, in some newspaper published in said Town of Abbeville, or if there is no newspaper published in said town, then by posting three written notices in said town, of the time and place of holding said election, which election must be held in the Town of Abbeville, according to the laws governing elections in this State; and the mayor shall have full

power and authority to keep order at said elections, and to commit to jail of the town, for a time not exceeding forty-eight hours, any person or persons who shall make, or attempt to make, a disturbance at the place or places where such elections are being held, so as to interfere with the peaceable and orderly conducting of said election; and the sheriff of Henry county, and all police officers of the Town of Abbeville, are hereby commanded to obey and carry into execution all process issued by the said mayor as aforesaid, in pursuance of said act. No person shall be eligible to the office of mayor or councilman at any election unless he has been a bona fide resident citizen of said town for a period of six months next preceding the election at which he is a candidate, and is otherwise qualified as an elector to vote in State and county elections. The officers thus elected shall take the oath and enter upon the discharge of their respective duties on Monday next following the Monday after the day on which the elections occur: Provided, however, no contest be instituted; and they shall, in case of contest, take their seats and enter upon the discharge of their respective duties as soon as said contest is determined. If it should occur that two or more candidates for the same office receive the same number of votes, it shall be the duty of the old board to elect one of said candidates to said office.

Eligibility for
office

Oath

Sec. 7. Be it further enacted, That the polls for said election, under this act, shall be opened, and kept open, in the manner prescribed by the laws governing elections in this State, and on closing the polls, the inspectors shall proceed immediately to count the ballots and file their certificate with the clerk of said council; and the clerk shall immediately give to each person so declared elected, a certificate of his having been duly elected.

Election

Sec. 8. Be it further enacted, That if any election herein provided for shall be contested, it shall be decided before the judge of the Henry Circuit Court at Abbeville, and shall be governed by the laws of the State providing for contested elections.

Contests

Sec. 9. Be it further enacted, That the ballots

Ballots

cast at each election under this act, shall be carefully sealed up without examination; after said election they shall be deposited with the clerk of said town, who shall preserve the same for thirty days, and then, if there be no contest, said clerk shall cause the same to be burned in his presence; but if there be a contest, they shall be delivered to the judges trying the same.

Oath

Sec. 10. Be it further enacted, That all officers of the town, before entering upon the discharge of their respective duties, shall take and subscribe before some officer authorized to administer oaths, the oath of said office, as follows: I, _____, do solemnly swear (or affirm) that I will support the constitution of the United States and of the State of Alabama, and the charter and ordinances of the Town of Abbeville, and that I will faithfully discharge the duties of the office of _____, according to the best of my ability, so help me God.

(L.S.)

Sworn to and subscribed before me this the—
day of _____, 189--.

(Officer)
which said oath shall be filed in the office of the clerk of said town.

Mayor
pro tem

Sec. 11. Be it further enacted, That in case of sickness or temporary absence of the mayor, the duties of his office shall be performed by one of the councilmen, who shall be appointed by the mayor for the performance of said duty.

Vacancy

Sec. 12. Be it further enacted, That if the mayor or any councilman shall, after his election, remove his domicile out of the city limits, he shall thereby forfeit and vacate his office; and in the event of his death, resignation or removal, the town council, on five days' public notice, shall have authority to elect some qualified person to fill the vacancy thus created, and the person so elected shall hold office to which he shall have been elected for the remainder of the unexpired term.

Duties of
mayor

Sec. 13. Be it further enacted, That it shall be the duty of the mayor to preside and keep order at the meetings of the council; he shall call special meetings of the council whenever, in his opinion,

the interests of the town require it; he shall keep his office in said town; he shall keep his Court open at all times to hear and determine all cases of violation of all by-laws or ordinances, or charter of said town, and punish the offender in such manner as may be prescribed by the by-laws, ordinances or charter of said town; he shall receive such fees and salary as the council may prescribe; he shall possess, within the corporate limits of said town, all the power and jurisdiction of a justice of the peace, in both civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace: Provided, however, That he shall not be required to take jurisdiction of, try or determine any cause, civil or criminal, as ex-officio justice of the peace, that has not already come before him as mayor of said town. From any judgment or decree of said mayor, as such, an appeal may be taken by the defendant to the next term of the Circuit Court of Henry county, Alabama, at Abbeville, upon the defendant entering into bond, with good and sufficient security, to appear at the term of the Court to which the appeal is taken, and from term to term thereafter until discharged by law, to abide by and perform whatever sentence may be adjudged against him; the bond to be payable to the Town of Abbeville, in such penalty as the mayor may prescribe, and to be approved by him, and such cause shall be placed on the civil docket of said Court; and if the defendant be convicted, the Court or jury trying the case may impose fine and imprisonment, one or both, just as the mayor could have done under the ordinance of the town, on the trial before him; and if the fine be not paid or imprisonment be imposed, the defendant shall be remanded to the city prison, there to remain until discharged, as provided by the ordinances of said town upon conviction before the mayor. In case the defendant does not appear at the trial, but makes default his bond shall be declared forfeited, and judgment shall be rendered thereon against the defendant, and his sureties as in State cases, except that the judgment shall be in favor of the Town of Abbeville: Provided,

Duties of
mayor

Appeals

Jurisdiction
of mayor

That such appeal be taken and fully perfected within five days from the rendition of such judgment by the mayor, and the cause shall be tried de novo, and it shall be the duty of the Court to speed the trial of the same. The mayor shall have jurisdiction of all proceedings by motion scire facias, or other writs instituted for the collection of any fund or bond payable to the Town of Abbeville, taken under this act, or under the ordinance of said town passed in pursuance of this act; and from his judgment rendered in such proceeding execution thereon may issue and be enforced as execution from Justice Court; said mayor shall have the right when the good or safety of the town may require it to demand the aid of the sheriff of Henry county, for the protection of said town, he may punish any contempt while holding his Court, or while the board of councilmen is in session, by fine not exceeding six dollars, and by imprisonment not longer than six days, one or both; he shall at least once in every six months require the treasurer of said town to make a written statement of the financial condition of the town, which statement may be published in a newspaper published in said town; and he shall do and perform such other and further duties as the board of councilmen may require; he may compel the attendance of witnesses on his Court by finding them not exceeding six dollars, to be enforced as other fines are enforced, if they fail to appear and testify before him after being duly served with a subpoena; he shall in no case impose a fine exceeding fifty dollars.

Elections

Sec. 14. Be it further enacted, That all elections held under this act, the old and retiring board of councilmen shall appoint three disinterested qualified electors of said town who are not candidates at said election as inspectors of said election.

Removal

Sec. 15. Be it further enacted, That any councilman may be removed or deposed from his office for misconduct in office, or habitual neglect of his duty as councilman, by vote of all the other members of the council; the mayor may be removed from office for malfeasance in office or for any

cause which permanently incapacitates him from discharging his duties, by the Circuit Court of Henry county, on the presentment of three members of the council. The charges and specifications shall be filed in the office of the clerk of the Circuit Court, by the council, in the name of the Town of Abbeville, signed by three members of the council, attested by the town clerk; notice to the mayor of the filing of the same shall be issued by the clerk of the Circuit Court, and served by the sheriff of the county. The case shall be put upon the docket and stand for trial at the first term of the Court after filing the same: Provided, Twenty days notice has been given to the mayor; if said notice has not been given, then the next term shall be the trial term. The trial shall be conducted according to the rules of practice in criminal cases. The judgment of the Court in trial under this section, shall not extend beyond removal from office and the imposition of costs upon the unsuccessful party. The marshal elected under this act may be removed from office by a majority of council for misconduct in office, habitual neglect of his duty as such marshal or failing to comply with the mandates of the mayor and council.

Sec. 16. Be it further enacted, That it shall be the duty of the marshal and other police officers of said town, and they shall have the authority, to execute the lawful ordinances of said town within the corporate limits thereof, with or without warrant arrest all persons breaking the peace and violating any ordinance or by-laws or the charter of said town, and bring the offender before the mayor as police magistrate for trial, and the marshal shall have the authority to execute all proceedings or process issued by the mayor, and do and perform all other duties that the council may require. And before entering upon the discharge of his duties as marshal he must enter into a bond with two or more good and sufficient sureties, in the sum of \$1000.00, to be approved by the mayor and conditioned on the faithful performance of all his duties. The council shall have the power to regulate the salary of the marshal and fix his fees for making arrests and executing all other papers.

Duty of
marshal

Duties of
clerk and
treasurer

Sec. 17. Be it further enacted, That the board of councilmen shall elect a town clerk and treasurer of said town, and such other officers as they may see fit and think necessary for the good government of said town, and prescribe the duties of such officers and their liabilities and powers, and may require them to give bond in such sum as they see fit for the faithful discharge of their duties, and may discharge and remove such officers at pleasure and fix their salaries. For any breach of the bond of such officers suit may be brought and recovery had before any court having jurisdiction, and such suits shall be governed in the same manner as other like suits. The town clerk shall keep in a neat bound book a regular record of the proceedings, orders, regulations and ordinances of the board, which shall be read by the board and signed by the mayor, or acting mayor, and the clerk of said council, and the same shall be of force and effect of a record and a copy thereof duly certified by the clerk shall be prima facie evidence in any court of record or elsewhere, and said record shall at all times be open to public inspection.

Powers

Sec. 18. Be it further enacted, That the mayor and council of said town shall have full and complete power and authority. 1. To make and adopt by-laws and ordinances in whatever manner and upon whatever subject, to carry out the powers herein granted, and for the good government and order of the town, as they may think proper, and generally, and in addition to the powers herein specially enumerated, which are no limitation upon the powers included in this general grant of powers, to ordain and pass such ordinances and by-laws not inconsistent with the laws of this State, as shall be needful for the government, police interests, welfare and good order of said town; and to affix thereto such penalties for the violation of the same, by fine not exceeding fifty dollars, and by imprisonment or hard labor for the town not exceeding thirty days; and all persons convicted of any breach of the by-laws, charter or ordinances of said town, failing to pay or secure such fine may be imprisoned for such failure, or placed at hard

labor for the town until such fine and costs are paid, in such manner as the board of councilmen may direct, not longer than thirty days: Provided, ^{Powers} That any person shall have a right to give a stay-bond, with two good and sufficient securities, to be approved by the mayor, to pay such fine and costs within thirty days, from judgment imposing the same, but if after such bond and security such fine and costs be not paid in thirty days, execution to collect the same may be issued against the obligators in said bond. The board of councilmen may pass all needful laws to compel persons to work on the streets or elsewhere in said town, who refuse to work when under the mayor's sentence for violating any town ordinance, but no female must be punished by subjecting her to work on the streets. 2. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said town, and to preserve the health thereof; to establish and regulate quarantine in said town, and within six miles thereof, and to punish any breach of the quarantine law. 3. To prevent and remove all nuisances at the expense of the person causing the same or on whose premises the same may be found; to remove all decayed and dilapidated houses and structures calculated to produce disease, or dangerous or unfit for habitation at the expense of the owner of the same when they fail or refuse upon reasonable notice to remove or renovate and repair such houses or structures; to establish fire limits. 4. To establish, set up and regulate hospitals, work houses and houses of correction. 5. To license, tax, regulate and restrain theatrical and other amusements; and selling, retailing or giving away vinuous, spirituous, or malt intoxicating liquors or beverages. 6. To restrain or prohibit gambling, gaming houses, houses of ill fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize fighting, cock fighting, and anything else hurtful to the good order and morals of society, and all misdemeanors, and all gambling implements and devices of any kind shall be subject to seizure and foreclosure under such lawful

rules and regulations as the board of councilmen may prescribe, when said implements and devices are brought to Abbeville or made or kept or found there to be used for gambling purposes. 7. To appoint and regulate day and night watchmen, police patrol and captain thereof. 8. To establish, regulate and control markets, market houses, and pass by-laws for the sale of meats, vegetables and other like articles within certain places and within certain hours. 9. To sink, repair and regulate fire plugs, and public hydrants, and to make all needful provisions to supply the town with water, gas and gas lights and electric lights and to control street lamps. 10. To open, locate, repair, regulate and establish alleys and streets, and to change, alter, abolish and vacate them, or any part or parts, thereof; to establish avenues, pavements, sidewalks and curb and grade them and regulate the same, and to make all the statutory by-laws respecting the use of the streets. 11. To establish and build drains and sewers, aqueducts and reservoirs, and to regulate the same, and to compel owners of lots or real property, to drain the same, and ditch it at the expense of the owner thereof, and to drain and ditch the same, when the owner fails or refuses after five days notice, to drain and ditch it, the tax expense of said ditching and draining against the property ditched or drained, which said tax shall have the lien and be enforced and collected like other taxes. The board of councilmen may extend drains and sewers beyond the town limits when necessary. 12. To establish, lay out, regulate and locate public parks, to pass all laws necessary for the protection of said town against fire, and for this purpose may remove any wooden building or structure, paying the owner a reasonable price therefor; to require all owners of theaters, opera houses, where the public assemble in mass, to provide such houses with fire escape and suitable exits. 13. To lay out, regulate and control the city cemetery, burial grounds, and to sell burial lots in the same. 14. To prevent the running at large on the streets of all dogs, cows, hogs, horses, or other animals, and to pass all laws in the judg-

ment of the board of council necessary for the sale and impounding of animals on proper notice to the owners thereof. 15. To regulate and control running of cars on or across streets, avenues, alleys of said town, and to control the speed of such cars and locomotives in said town. 16. To pass all necessary and proper laws for the arrest, with or without a warrant, of all offenders against the town ordinances or State laws; and to confine such persons until tried, convicted or discharged by due course of law. 17. To pass all laws and ordinances in relation to auctioneers, plying their vocation on the streets, and to prohibit or regulate the same, and to regulate pawn brokers. 18. To make and ordain necessary laws concerning idlers, tramps, paupers, prostitutes, gamblers, disorderly or vicious persons in correcting or constraining their vicious habits, and to compel such persons to give bond and security, to be approved by the mayor, for their good behavior for a reasonable time, or upon their failure or refusal to give such bond for their condemnation at hard labor for the town for a limited time not exceeding thirty days. 19. To punish all persons who obstruct the marshal, or other officer in the arrest of any person in said town, or in the lawful discharge of any duty in said town, and to punish all persons who, when called upon, to aid in arresting any person, fail or refuse to give such aid. 20. To exercise the power of eminent domain and condemn private property for streets, alleys and drains, to supply the city with pure water, and for all other public municipal purposes on making just compensation to owners of lands condemned, and the general laws of the State, applicable to ad-quod-damnum suits and proceedings, shall apply in such cases. 21. To grant the right-of-way through, over, across and along the streets, avenues and squares of said town for the purpose of street or other railroads, telephones, telegraph and electric light companies, and for laying pipes of gas and water companies.

Powers

Sec. 19. Be it further enacted, That the mayor and councilmen of said town shall have power and authority to levy and collect a license or privilege

Powers

tax upon all such business and vocations as are now licensed by the State and to regulate and restrain the same so far as not in conflict with the general laws of this State and others hereinbelow named as follows: Auctioneers, non-resident and resident barber shops, banks and bank agents, dealers in exchange, commission merchants and brokers, whether by sample or otherwise, lawyers, doctors, dentists, druggists, apothecaries, hotels, restaurants, boarding houses, life, accident and fire insurance company agents and companies, livery stables, sale stables, itinerant traders, either by sample or otherwise, dealers in fish, dealers in oysters, transient physicians, transient vendors of pictures, paintings or patent medicine, and the like, clairvoyants, fortune-tellers, undertakers, keeper of studs, jacks or bulls, telegraph companies, the running of cars, drays, wagons, hacks, coaches, omnibuses or other vehicles for public use or hire, warehouses, public wares, dealers in commercial fertilizers, fertilizer factories, cotton buyers, dealers in wagons, buggies, carriages or other vehicles, watch makers or repairers, jewelers, bakers, tin shops, printing offices, coal or wood yards, brick yards, dancing masters, skating rinks, ice cream saloons, real estate agents, telephone companies or exchanges, plumbers and gas fitters, ice factories, lightning rod agents, or companies, street drummers, express companies, railroad companies, planing mills, steam gineries, grist mills, blacksmiths, wood workmen and wood shops, variety works, water companies, coal and wood dealers, dealers in lumber, dealers in brick, drummers or commercial agents selling to customers, dealers in tobacco or cigars, whether principal stock in trade or not, photograph or art galleries and photographers, news-dealers, fruit stands, green grocers, marble yards or architects, contractors or superintendents of buildings and builders, commissaries or grab cars, whether run by railroads or individuals, confectioneries, dealers in fire works, pyrotechnics, boot-blacks, dealers in pistol cartridges or rifle car-

tridges or in playing cards, veterinary surgeons, job printing office, wood sawyers, sleeping car companies, railroad ticket brokers or scalpers, loan associations or companies, candy manufacturers, dealers in machinery or in agricultural implements, flouring mills, dealers in cotton gins and agents for the sale of cotton gins, buggy, wagon or carriage manufacturer or repair shops, laundries, dealers in oil and agents for oil companies, persons running hand cars, stencil cutters, cotton presses or com-
Powers presses, drummers or runners for restaurants, boarding houses or hotels, dealers in sash, doors or blinds, agents for variety works, persons engaged in making abstract or titles, junk dealers, dealers in hides, tan yards, drovers and dealers in horses or mules, tailors, cabinet makers, building and loan associations, agents of building and loan associations, merchants, tailors, organ grinders or strolling hand music, theatricals, operas or other troops acting or performing in the city, city engineers or surveyors, bill or note collectors, proprietors of intelligence officers, bottlers of beer or ale, dealers in ice, gas companies or other like companies, street railway companies, bill posters or distributors, gun shops and gun repair shops, cigar manufacturers, millinery establishments, persons who give suppers not exclusively for charitable purposes where a charge is made, dancing houses or halls, public halls, harness shops, shoe shops, book agents, monkey shows, hardware stores, dry goods stores, general merchandise stores, grocery stores, ten-pin alleys, bowling alleys, furniture stores and dealers, transient jewelers, jewelry repair shops, dealers in hats, shoes or gent's furnishing goods, guarantee companies and agents for guarantee companies, dealers in musical instruments, dealers in sewing machines, street peddlers, machinery shops, machinery dealers, agents for merchant tailors, pawn brokers, dealers in glassware, tinware, etc., lamp company or agents, lecturers where admission fees are charged, Daguerrian or other artists, concerts for profit, dealers in crockeryware or queensware, cot-

ton factories and all other manufacturing establishments, soda water fountains, shingle dealers and dealers in all kinds of building material, fruit tree agents, transient dealers and all kinds of commodities, dealers in any and all kinds of merchandise, and also all persons dealing in every and all kind of patented articles, and also all vocations, pursuit, trades and occupations not hereinbefore specially mentioned, to raise money for the purpose of properly managing the affairs of said corporation.

Style of
ordinances

Sec. 20. Be it further enacted, That the style of the ordinances of said town shall be, "Be it ordained by the town of Abbeville," all ordinances and the publications thereof may be proven by the certificate of the clerk of the council over his official signature, and all ordinances passed by the council under this act shall be signed by the mayor; all actions in the nature of prosecutions for the violation of the town ordinances to recover fines or to enforce any penalty under any ordinance in said town shall be brought in the name of "The Town of Abbeville" as plaintiff, and all fines and forfeitures for violation of the ordinances and all monies collected for license and otherwise shall be paid into the treasury of the corporation at such times and under such conditions and such manner as the board of councilmen may by ordinance direct.

Street tax

Sec. 21. Be it further enacted, That all male persons liable to road duty under the laws of this State, residing in said town, shall be liable to street tax, to be fixed by the council, and shall be exempt from road duty upon the payment of said street tax not to exceed three dollars; but on failure to pay said street tax, shall be forced to work out the amount thereof, on the streets of Abbeville at the rate of fifty cents a day, under such ordinances as the mayor and council may prescribe.

Taxes

Sec. 22. Be it further enacted, 1st. That the mayor and councilmen may levy and collect each year, upon all real and personal property, and all subjects of State taxation, within the corporate limits

of said town, a tax not to exceed one-half of one per centum on the value of said property, real and personal and subjects of taxation. All property Taxes or subjects of taxation within the corporate limits of said town at the time of the levy is made shall be liable to taxation as herein provided. Said mayor and councilmen may by ordinance, require all persons owning any property, or other subjects of taxation, to give in said property, fix the time in which such property or subjects of taxation must be given in, and affix a penalty for the failure to give in such property or subjects of taxation within the time prescribed. The said mayor and councilmen shall inspect the returns of the assessor or clerk, and in cases where property is not given in at its true value, shall raise the valuation thereof, on three days notice to appear before them and show cause why the same should not be done. 2d. All taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for payment of said taxes, the town of Abbeville shall have a preferred lien over all other incumbrances and securities whatever, save and excepting the lien given by law for State and county taxes, and all taxes assessed against the property of any person or persons, corporation or syndicate under this act, or for which such person or persons, corporation or syndicate shall become liable for the current year, shall be a lien upon the real and personal property or estate of such person or persons, corporation or syndicate within the corporate limits of said town of Abbeville, from the first day of January of that year, or if brought into the town after that time, the lien shall attach from the time said property was brought into said town. 3d. After the taxes shall be fixed and levied, the person empowered to collect them shall give thirty days notice, said notice to date from October 1st of each year, in some paper published in Abbeville, or by posting said notice in three or more public places, that he is ready to receive such taxes so levied. 4th. After thirty days have elapsed from the first publication

Taxes

of said notice, the collector of taxes or his deputy, shall make personal demand upon all persons who have not paid their taxes whenever they may be found. 5th. After the expiration of ninety days from the first publication of such notices, the tax collector or his deputy, must levy upon, seize and sell enough of the personal property, if there be any, to satisfy said taxes and costs; if there be none, or not enough personal property to satisfy said taxes and costs, then he must levy upon and sell the real property of said delinquent tax payer; and no personal property sold for delinquent taxes shall be the subject of redemption. When real estate is levied upon for taxes, and a sale is ordered, ten days' notice of the time and place of sale, together with a description of the property, and the amount of taxes and costs due thereon, by two insertions in a newspaper, or by posting the same in three public places in said town. 6th. At such sales, the tax collector must bid off, that is to say, must cry off, such property, or so much thereof as may be necessary to pay the taxes and costs of advertising the sale and making the levy, and all other expenses, to the highest bidder, for cash, and make a certificate of purchase to the person bidding in the same. The town of Abbeville may be a purchaser in the absence of a bidder for such property, and said certificate of purchase shall vest in said town of Abbeville, the same rights as the other purchasers. 7th. Any real property sold under the provisions of this act may be redeemed at any time within two years after its sale, by payment to the treasurer of said town, for the use of said town, the amount of purchase money, all subsequent costs and taxes that have been paid by the purchaser, and interest thereon at the rate of ten per cent. per annum; and upon such payment, the owner, or his vendee, shall be entitled to receive from the tax collector of said town a certificate of redemption therefor, if, after the expiration of two years from the date of sale, the property has not been redeemed by the owner of the redemption, or his vendee, the tax collector then in

office shall, upon the application of the holder of the certificate of purchase, make a deed to such property sold and unredeemed, and make and deliver a deed to such property to such certificate holder, or his assignee, upon the return and delivery to him of such certificate of purchase, payment of all subsequent taxes, and one dollar for making the deed. Such deed shall be made by the tax collector then in office; made by him in his official character, so signed by him, and acknowledged before an officer authorized by law to take acknowledgments, and shall invest the holder with the same rights and powers as any other deed to real estate, and may be in a like manner recorded.

Taxes

Sec. 23. Be it further enacted, That should said corporate authorities require other means of collecting the taxes herein authorized, they may, by ordinance, adopt or substitute for any of the foregoing the provisions contained in the Code of Alabama, or any part of such provisions, for the collection of taxes, so far as the same will apply, and have the same right to sell property and make titles to property sold for taxes, as is provided for collecting State and county taxes; and said corporate authorities, in adopting provisions, shall, by adopting ordinance, declare which of said provisions they adopt; and in such ordinance they may change the provisions so far as to substitute the town tax collector for that of the State and county, and so as to adopt the provisions relative to the State and county taxes, to the collection of taxes herein authorized; and the mayor and councilmen shall have the power to collect the taxes and all fines by execution, levy and sale; and from such execution no property shall be exempt: Provided, That this mode of collection shall not prevent collection of such taxes in any other manner than herein provided.

Collecting
taxes

Sec. 24. Be it further enacted, That the mayor and councilmen of said town, whenever they see proper to do so, may provide for a registration to be made under such lawful rules and regulations as the board may prescribe: Provided, That the

Registration

registration books shall be opened for the registration of voters at least thirty days before the first Monday in April of each year, when elections are to be held hereunder; and shall close ten days before said election; and no person shall be allowed to register unless he shall be at the time of registration a legal voter, or shall become a legal voter by the day of said election, under the constitution and laws of the State of Alabama; and no person not so registered shall be allowed to vote at said election.

Sec. 25. Be it further enacted, That no general act of the General Assembly of Alabama shall in any way affect, repeal or change any of the powers herein granted; but the same shall be done only by special act referring to the particular portion or portions hereof, which it is intended to change, alter or amend.

Repeal

Sec. 26. Be it further enacted, That an act entitled "An act to incorporate the town of Abbeville, in the County of Henry," approved February 8th, 1872; and an act entitled "An act to amend section five of an act entitled 'An act to incorporate the town of Abbeville, in the County of Henry,' approved February 8th, 1892, be and the same are hereby repealed: Provided, That no prosecuting suit or claim whatever, pending or to be brought under existing laws, or any contract now existing with the intendant and council of the town of Abbeville, shall in any manner be affected, impaired or altered by the passage of this act; and all existing by-laws and ordinances of the town of Abbeville, adopted in pursuance of law, shall be and remain in force until repealed, or changed by the mayor and councilmen of the town of Abbeville; and all the powers granted by this act shall, and must, be liberally construed in favor of the powers of the town to pass such laws.

Proviso

Sec. 27. Be it further enacted, That this act take effect immediately upon its passage.

Approved February 1st, 1899.

No. 227)

AN ACT

(H. 840)

To further provide for repairing and keeping up the macadamized, or pike roads and public highways in the County of Colbert, and to provide additional funds therefor; and to amend an act, entitled "An act to regulate the working and keeping in repair the public roads in Colbert county, and to create the office of public road supervisor for said county, and prescribe his duties and powers; and to correct the direction of building a macadamized road from Leighton," approved February 18th, 1897.

Section 1. Be it enacted by the General Assembly of Alabama, That within thirty days after the passage of this act, there shall be appointed by the judge of probate of Colbert county, a suitable person, who shall be a resident citizen of said county and a householder and freeholder therein, as public road commissioner, who shall take an oath before said judge to faithfully and diligently perform the duties of said office as prescribed by law, and shall give bond in the sum of five thousand dollars, payable to said county, and conditioned to faithfully perform his duties as such commissioner, and to account for all funds which may be paid to him or received by him, in any manner, by virtue of said office. Said public road commissioner shall have a general supervision and control over all of the public roads in said county, and shall be paid a salary of fifty dollars per month.

Public road
commis-
sioner

Sec. 2. Be it further enacted, That it shall also be the duty of said public road commissioner:

1. To procure out of the funds in his hands a book, suited for the purpose, in which shall be entered and kept the name and number of each road precinct in the county; the name of the overseer, the date of his appointment; the names of the persons subject to road duty in said precinct; the number of days worked by each on the roads in the said precinct; the character of the road, whether pike or dirt road, and a complete, itemized statement and account of all money expended during each

Duties of
public road
commis-
sioner

Duties of
public road
commis'r

year in said precinct for or on account of the roads therein; a full and itemized statement and account of all money received by him from each election precinct in said county for privilege tax on wagons, carriages, buggies, bicycles, or other vehicles, as hereinafter provided, and the exact expenditure in such election precinct of the moneys received therefrom on the roads therein. Said book shall be open to inspection in the office of the said public road commissioner, or of the judge of probate, at all times by the citizens of the county; and at each meeting of the grand jury for said county, shall be delivered to the foreman thereof for examination and verification by the said grand jury, by his receipts and vouchers for disbursements; and said book shall be examined and reported on by such grand juries, as the books of other county officers are required by law to be examined and reported on. 2. To procure, as soon as practicable, after he is appointed and qualified, and every year thereafter, when new overseers and apportioners are appointed, a complete list of the road overseers and apportioners in said county; and he shall have power to appoint, remove and re-appoint overseers at his discretion, and may appoint the same temporarily during the sickness, absence or inability to serve of any regular overseer. 3. He shall report to each grand jury the names of any overseer, apportioner, or road hand, who shall fail or refuse to do and perform the road duties and work assigned him, the date of the same, and all other information in his power necessary and proper to be known in the trial of such person for such failure, refusal or neglect. 4. To personally visit and inspect the public roads and pikes of the county as often as may be necessary, not less than twice in each year. 5. To disperse all moneys belonging to the road fund of the county, by warrants drawn on the treasurer, and to take proper vouchers for all moneys so drawn and expended by him, and preserve the same, which shall be filed in the office of the judge of probate, by or before the first day of January of each year, who shall preserve the same; and the accounts and

vouchers of said public road commissioner shall be examined and verified by the Court of County Commissioners of said county at least once every year, and oftener, if they deem the same necessary. 6. To recommend, in writing, to the Commissioners' Court, at each regular term thereof, any changes in the location of roads he thinks advisable in order to lay out the same on better grounds, or shorten the distance, together with an estimate of the probable damage to land owners by such change; and when such changes can be made, with the consent of land owners, given in writing, and without cost to the county, to make such change without an order from the Court of County Commissioners; and also to recommend to said Court, when advisable, the opening of new roads and the discontinuance of old roads, where the public travel does, or does not, require the same, with the expense of opening them and the probable damage to the land owners. 7. To keep an accurate account of the moneys which may be collected from each election precinct in said county, from the special privilege tax hereinafter provided, or from any other source, and apply, as far as may be necessary, the moneys received from each such precinct, improvement and work upon the roads in such precinct. 8. To appoint in any road precinct an overseer, where none has been appointed, or where the office becomes vacant from any cause, until the next term of the Court of County Commissioners, when he shall report his action to them; and where, from any cause, any part of any public road, or pike, is not attached to any road precinct, to assign the same, or any part thereof, to any adjacent precinct, as he may think best. 9. To immediately rebuild or repair any portion of the pike roads in said county, which may be injured by any freshet, or other sudden cause; and to that end, if there be not sufficient moneys in the said road fund of said county, is hereby apthorized, by and with the consent, in writing, of the judge of probate, to borrow not exceeding one thousand dollars, to be used in such repairs or rebuilding, and to be repaid out of the first moneys coming into said road fund thereafter from any source. 10. To perform such other duties as are or may be prescribed by law.

Duties of
public road
commis'r

Term of office

Sec. 3. Be it further enacted, That the said public road commissioner shall hold office, after he is appointed and qualified, for and during the time the judge of probate, by whom he is appointed, continues in his term in which such appointment is made, and until his successor is appointed and qualified; but if said public road commissioner should be indicted for any violation of his duties as such, then said judge of probate shall suspend said public road commissioner, and appoint another person in his place during the pendency of said indictment; and in the event of a conviction on such indictment, shall appoint a successor to said public road commissioner; or in the event the Court of County Commissioners of said county, by resolution, shall recommend the removal of said public road commissioner; and for failure to perform any of the duties of his office, which are or may be prescribed by law, said public road commissioner shall be guilty of a misdemeanor and, upon a conviction, shall be fined not less than twenty-five nor more than five hundred dollars, at the discretion of the Court trying the same.

Privilege
road tax

Sec. 4. Be it further enacted, That there is hereby levied a special privilege tax for the benefit of the public roads of said county, for using, running and operating upon the public roads of said county, by any resident therein, the following vehicles, to-wit: On each two-horse vehicle for the conveyance of persons, two dollars; on each log wagon, one dollar and fifty cents, and on each other buggy, carriage, vehicle, bicycle, or wagon, using a tire less than four inches in width, one dollar per annum. Said tax shall be assessed and collected as other taxes are assessed and collected, but shall be kept separate, and paid into the road fund of the county, that received from the residents of each election precinct in said county being stated, when paid over by the tax collector of said county. The owner of any wagon may pay said tax in money, or may work out the same on the public roads for three days in the year, under the direction of the road overseer, for which the public road commissioner may give such person a certificate, when satisfied that the work has been truly and faithfully done, which certificate shall be received by the tax

collector of said county, and credited to the holder of such certificate, on the assessment against him of such special privilege tax. The public road commissioner is hereby authorized to report to the tax assessor, or collector, whichever of said officers may then be in possession of the assessment or tax books of said county, any escaped taxes of the class herein mentioned, and require the same to be assessed and collected, as other escaped taxes are now provided by law to be assessed and collected.

Sec. 5. Be it further enacted, That the Court of County Commissioners may work the county convicts on the roads of Colbert county, under such regulations as they may prescribe, subject to the general convict laws of the State.

Sec. 6. Be it further enacted, That section 2 of an act entitled "An act to regulate the working and keeping in repair the public roads in Colbert county, and to create the office of public road supervisor for said county, and prescribe his duties and powers, and to correct the direction of building a macadamized road from Leighton," approved February 18th, 1897, be and the same is hereby repealed; and that section 3 of said act be amended, so as to read: Section 3. Be it further enacted, That all male persons in said county, not exempt from road duty, must work on the public roads ten days during the year, to be notified as provided by law, in their respective precincts; but no person liable to road duty shall be allowed to work said public roads by substitute: Provided, however, That any person may, within three days after he has been warned or notified to work on said roads, pay the sum of three dollars to the said public road commissioner, who shall give a receipt therefor, and pay the same into the road fund; and any person who is now required to pay a street tax in any incorporated town or city in said county, may pay the sum of fifty cents, and the persons so paying the same shall not be required to work on the public roads of said county outside of such town or city during the year in which the same is paid.

Sec. 7. Be it further enacted, That all laws now in force in this State, relating to the public roads, and not in conflict with the provisions of this act,

Sec. 2. Repealed

Sec. 3. Amended

Road tax

Repeal

shall be and remain in full force and effect; and all laws, and parts of laws, in conflict with this act, are hereby repealed.

Approved February 1st, 1899.

No. 228)

AN ACT

(H. 360)

To provide that whipping may be the punishment for petit larceny in certain cases in the County of Mobile.

Punishment
of minors
for petit
larceny

Section 1. Be it enacted by the General Assembly of Alabama, That on the conviction of any minor in the County of Mobile, under the age of fifteen, for petit larceny, instead of the punishments now provided, the judge or justice trying the case may, with the consent of the father, or the mother, if the father be dead, unknown or out of the county, or of the guardian, given in open Court, sentence the culprit to be whipped, such whipping not to exceed fifteen lashes. The judge or justice trying the case must specify the number of lashes, and that it be with either a leather strap, whip or switch. The whipping must be administered by the sheriff, or some one deputed by him, in his presence, and under his control: Provided, That the sheriff may depute the parent or guardian of said minor to do said whipping.

Approved February 1st, 1899.

No. 229)

AN ACT

(H. 253)

To create a separate school district in Monroe County, to be known as Jones' Mill School District.

School
district

Section 1. Be it enacted by the General Assembly of Alabama; That the following described territory in township five, range six; township five, range seven; township six, range six, and township six, range seven, beginning at the residence of C. A.

Snider, in beat three, one and three-fourth miles, a little west of north of Jones' Mills, and running east to Escambia creek; thence down said creek nearly south, about three and one-half miles, to one-half mile below the Middleton bridge, on said creek; thence west about two miles, to Hickory Grove Church, in beat two; thence north of west to the branch west of Ben Green's residence; thence up said branch to the public road leading from Perdue Hill to Repton; and thence east of north to the residence of C. A. Snider, the point of beginning, said district containing ten or twelve square miles, centering near Jones' Mill, be, and the same is, hereby established as the Jones' Mill School District, and shall be known and called Jones' Mill School District.

Sec. 2. Be it further enacted, That there shall be three trustees in and for said school district, who shall be resident citizens and freeholders of said district, whose duties it shall be to establish and locate one white school, and but one, to be taught each year in said district, and to employ teachers for said school; and to perform all other duties necessary for the proper organization, regulation and maintenance of said school, making contracts with teachers and approving reports in the manner provided by the general school laws for the trustees of townships.

Sec. 3. Be it further enacted, That said school district shall receive its proportionate share of all funds raised or appropriated by the State or county for public schools; also all of the poll tax which may be collected from the white residents of said school district, and all funds which may be donated thereto.

Sec. 4. Be it further enacted, That the following named citizens and freeholders, J. F. Busey, J. W. Jones and B. E. Jones, shall be trustees of said school district for the period of twelve months; after which period of time shall have elapsed, the county superintendent of education shall appoint trustees of said school district, as trustees of townships are appointed under the general school laws.

Sec. 5. Be it further enacted, That this act shall go into effect immediately after its approval by the governor of Alabama.

Approved February 1st, 1899.

No. 230)

AN ACT

(H. 244

To constitute a separate school district, to be known as the Smith Station School District, in the County of Lee, and State of Alabama; and for the appointment of a board of trustees therefor.

Separate
school
district

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district be, and the same is, hereby established, as hereinafter provided, in the County of Lee and State of Alabama, which district shall be composed and consist of all that territory included in sections ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), thirty-three (33), thirty-four (34), thirty-five (35), and thirty-six (36), of township eighteen (18), range twenty-nine (29), and all of sections seven (7), eighteen (18), nineteen (19), thirty (30), and thirty-one (31), of township eighteen (18), range thirty (30).

Trustees

Sec. 2. Be it further enacted, That, to carry out the purposes of this act, W. C. Hays, S. L. Mullins, J. K. Stroud, M. G. Wade, J. W. Wade, J. T. Hogan, and B. A. Sears, are hereby constituted and appointed a board of trustees of said Smith Station School District, who shall have power to purchase, receive, hold and convey, for and in behalf of said school district, all such personal and real property as may be necessary or proper for the purpose of said school district; and who shall control the disposition of all funds which may be received by or for said school district. They shall also have power to build suitable school houses, and buy furniture for the same.

Powers

Sec. 3. Be it further enacted, That as soon as practicable after the passage of this act, the said

persons hereinabove named, or a majority thereof, shall proceed to organize said board of trustees, by electing one of their number president of the board, and by electing some suitable person or persons, whether members of the board or not, as secretary of the board and treasurer of the school district: Provided, however, The secretary of the board and treasurer of the district may be one and the same person, if the board shall so elect.

Officers

Sec. 4. Be it further enacted, That the term of service of the persons hereinabove named as trustees shall be for the term of two years from the time of their election, 1901, or until their successors are appointed and qualified; and their successors and all subsequent boards of trustees shall consist of seven persons, who shall be appointed by the superintendent of education of Alabama, on the first day of October, 1901, or as soon as practicable thereafter, and every two years thereafter, who shall hold office for the term of two years, or until their successors are appointed and qualified. In case of a vacancy in said board of trustees from any cause, the remaining members of said board shall have power to fill said vacancy for the unexpired term.

Terms of
office of
trustees

Sec. 5. Be it further enacted, That the terms of service of secretary and treasurer shall be for two years from the date of their election; but they may be removed by said board of trustees at any time. The board shall require of the treasurer so elected a bond, in such amount as may be fixed by them, in no case to be less than double the amount of funds that will be in his custody at any one time, payable to said school district, and conditioned to safely keep and disburse according to law, all money which may come into his hands as treasurer of said school district, and to be approved by the president of said school board, and filed with him. A copy of said bond, certified to by the president of said board, shall be filed in the office of the state superintendent of Alabama. The board may require additional bond, with other or additional securities, and a different amount, when they see proper to do so. The said treasurer shall receive such compensation as may be fixed by said board of trustees, but in no case to be more than two per centum of the money disbursed by him.

Terms of
officersDuties of
treasurer

Eligibility

Sec. 6. Be it further enacted, That no one but a freeholder or householder, resident within said district, shall be eligible to be appointed as a member of said board of trustees, or be elected secretary or treasurer thereof. Said trustees and treasurer shall take the oath of office prescribed by law for all officers of this State before entering upon the duties of their office.

Powers of Board

Sec. 7. Be it further enacted, That said board of trustees may meet at such time and places, within said district, as they may designate, and shall take such measures as may be proper to establish such schools in said district as may be necessary for the accommodation of the youth thereof, of each race; to grade such schools, prescribe the text books to be used therein, employ teachers, and generally to make such rules and regulations for said school district as to them may seem best and not in conflict with the laws of this State. The state superintendent of education shall furnish said board of trustees such books and blanks as are furnished the county superintendent of education.

Duties of State Supt. of education

Scholars not living in district

Sec. 8. Be it further enacted, That said board of trustees shall have power to receive any scholars not living within said district on such terms as they may designate.

No compensation

Sec. 9. Be it further enacted, That the trustees of said district shall receive no compensation as said trustees.

Entitled to receive

Sec. 10. Be it further enacted, That said school district shall be entitled to receive its proportionate share of all funds raised or appropriated by the State for public schools, and shall also receive its pro rata share of the sixteenth section interest accruing to the townships of which said school district is composed; and it shall receive all poll taxes which may be collected from residents of said school district, and all funds which may be donated to said school district. All funds of said school district shall be paid to the treasurer of said school district, who shall receipt for the same; and the superintendent of education of the State, or other proper State officer, shall give the necessary orders and instructions, and issue the necessary warrants or certificates, to secure the

payment to said school district of all funds to which it may be entitled from the State, or from poll tax, direct to the treasurer of said school district.

Sec. 11. Be it further enacted, That the said board of trustees shall make annual reports to the state superintendent of education, the same as required of county superintendents of education. Annual re-
ports

Sec. 12. Be it further enacted, That this act shall take effect from the date of its approval; and that all laws and parts of laws in conflict with this act are hereby repealed. Repeal

Approved February 1st, 1899.

No. 231)

AN ACT

(H. 232

To make valid and chargeable against the fine and forfeiture fund of Coosa county, Alabama, certain witness scrip or witness certificates, issued by the foreman of the grand juries of Coosa county, Alabama, and have said scrip or witness certificates paid by the treasurer of said county, in the order of their registration.

Section 1. Be it enacted by the General Assembly of Alabama, That certain witness scrip, or witness certificates, heretofore issued by the foreman of the grand juries of Coosa county, Alabama, to witnesses attending before the grand juries of said county, and which have been duly registered with the treasurer of said county, be and the same are hereby made valid and chargeable against the fine and forfeiture fund of said county, and be paid in all respects as if they had been legally issued by the clerk of the Circuit Court of said county in the first instance. And the treasurer of Coosa county, Alabama, is hereby authorized and directed to pay out of the fine and forfeiture fund of said county, in the order of their registration, the said outstanding witness scrip, or witness certificates, issued by the foreman of the grand juries of said county, as aforesaid. Claims made
valid

Approved February 1st, 1899.

To amend an act, entitled "An act to provide for the permanent location of the county site of Calhoun county, by a vote of the qualified electors of said county," approved November 30, 1898.

Requisite
before
election

Section 1. Be it enacted by the General Assembly of Alabama, That section 2 of said act, described in the caption, shall be amended so as to read as follows: "Sec. 2. Be it further enacted, That no election shall be ordered under the provisions of this act until there shall be secured, free of charge to Calhoun county, a bona fide subscription of the aggregate sum of seven thousand, five hundred dollars (\$7,500), to be applied to the securing of a proper site and for the erection of a new courthouse in the City of Anniston, in the event the result of such election shall be in favor of the removal of said county site to said City of Anniston."

Duty of
county
commis-
sioners

Sec. 2. Be it further enacted, That section 5 of said act shall be amended so as to read as follows: "Sec. 5. Be it further enacted, That such board of commissioners shall give notice of said election sixty days prior to the time of holding said election, and the purpose for which the same is to be held, by publication in some newspaper published in the county."

Registration

Sec. 3. Be it further enacted, That section 6 of said act shall be amended so as to read as follows: "Sec. 6. Be it further enacted, That registration books shall be opened in each voting precinct and ward in said county, on the day fixed by said board of commissioners, for the registration of the voters of said county, which said registrars shall be appointed by said board of commissioners on the day the said board of commissioners shall order the election; and the books of registration shall be kept continually open for thirty working days. No person shall be entitled to vote in said election unless he registers before said registrar in the precinct or ward in which he resides, within said time. The registrar shall require each and every elector who desires to register, for the purpose of qualify-

ing himself to vote in said election to take and subscribe the following oath, which shall, in each case, be administered by the registrar to the elector so registering:

"State of Alabama, Calhoun County.—I, the undersigned elector, do solemnly swear that I am a citizen of the United States, and of the State of Alabama, and over the age of twenty-one years, and that I have resided in said State one year next preceding the date fixed for holding the courthouse election for said county, and in said county three months, and precinct (specifying the particular precinct in which the elector desires to register) thirty days; and that I am a duly and legally qualified elector, and am not in anyway disqualified by law from voting in the approaching election, to determine the location of the county site of said county; that I am not disqualified by reason of conviction of any crime under which I would be disqualified under the general laws of this State." The several precinct and ward registrars shall, immediately upon the closing of the books of registration, in their respective precincts and wards, make a true copy and list of names registered in such precinct or ward and certify the same; and shall, immediately after the expiration of the time herein prescribed for registration, deliver the original registration list, together with such certified copy thereof, to the board of commissioners for said election, who shall file and securely keep the same; and such board of commissioners shall deliver to the inspector of the election, appointed as herein-after provided, for the several precincts or wards, immediately preceding such election, the certified copy of said registration for said precinct or ward, returned by the beat registrar."

Oath

Duties of
registrars

Sec. 4. Be it further enacted, That section 8 of said act be amended, so as to read as follows: "Sec. 8. Be it further enacted, That it shall be the duty of the said board of commissioners, at least twenty days before the time appointed for holding said election, as prescribed in section 1 of this act, to meet at the court house at Jacksonville, and select and appoint three inspectors, two clerks and one return-

Election
officers

ing officer, to hold and conduct said election for the several voting wards and precincts of the county respectively. One of said inspectors, and one of said clerks, shall be appointed in each voting precinct and ward of said county upon the recommendation of the mayor of Jacksonville; one of the said inspectors, and one of said clerks, shall be appointed in each precinct and ward of said county upon the recommendation of the clerk of the City Court of Anniston; and a third inspector, and returning officer, for each precinct and ward of said county shall be selected by the board of commissioners. In the event the mayor of Jacksonville shall fail to recommend a person for inspector and clerk for each voting precinct and ward of said county, said board of commissioners shall appoint one person from each of said voting precincts and wards, who is favorable to the location of said county site remaining in Jacksonville, if practicable to do so; and if the clerk of the City Court of Anniston shall fail to recommend a person for inspector and clerk for each voting precinct and ward in said county, said board of commissioners shall appoint one person from each of said voting precincts and wards, who is favorable to the removal of said county site to Anniston, if practicable to do so. Said board of commissioners shall notify or cause to be notified such persons so appointed as aforesaid, of their appointment. The true meaning and intent of this act being to provide for a full and fair representation of both sides in the conduct of said election."

Sec. 5. Be it further enacted, That section 11 of said act shall be amended, so as to read as follows:

Polls

"Sec. 11. Be it further enacted, That the polls for said election shall be opened at the usual voting places in the several voting precincts and wards in said county, by the inspectors appointed as herein provided for, not earlier than eight o'clock a. m., nor later than nine a. m., and shall be kept open continuously until five p. m. In case any election manager, clerk or returning officer appointed as hereinbefore provided, shall fail to appear and discharge his duties as such in the conduct and holding of said election, it shall be the duty of the re-

Vacancies

maining inspectors, clerks or returning officers to fill the vacancy thereby caused, by the appointment of another inspector, clerk or returning officer, as the case may be; and in filling such vacancy, it shall be their duty to appoint an inspector, clerk or returning officer, entertaining the same views as to the retention or removal of said courthouse, as the absent inspector, clerk or returning officer, if practicable: Provided, however, That such absent inspector, clerk or returning officer shall be appointed upon the recommendation of the voters present at the time, who entertain the same views as to the retention or removal of said courthouse, as the absent inspector, clerk or returning officer: Provided, such persons shall make such recommendation."

Sec. 6. Be it further enacted, That section 12 of said act be amended so as to read as follows: "Sec. 12. Be it further enacted, That immediately after the closing of the polls on the day of said election herein provided for, it shall be the duty of the inspector of the election at the several precincts and wards in said county, to count the ballots and certify the number of votes cast 'for Jacksonville,' and the number of votes cast 'for Anniston,' and they shall also securely seal up and label the ballots cast at said election, so as to show the precinct or ward in which they are cast; and shall deliver the same, together with the certificate of the result of such election, and the registration list for said precinct, together with the poll list of electors in said precinct, securely sealed, to the returning officer of said precinct or ward; and it shall be the duty of said returning officer, within forty-eight hours after receiving such returns, ballots, registration lists and poll lists, to deliver the same to said board of commissioners, or to such one or more of them as may be present at the office of the clerk of the City Court of Anniston, to be by such clerk securely kept in his vault until it shall be necessary to remove the same to Jacksonville, for the purpose of canvassing the returns and declaring the result of such election."

Counting
ballots etc

Sec. 7. Be it further enacted, That section 16 of said act be amended, so as to read as follows:

If Anniston
receives
majority

"Sec. 16. Be it further enacted, That in the event of Anniston receiving a majority of all legal votes cast in said election, the Court of County Commissioners shall, as soon as practicable thereafter, sell all lands and other property, except the county poorhouse, belonging to the county, located in or near Jacksonville, and use the proceeds, or any part thereof, in the erection of a suitable courthouse in the City of Anniston; and they are hereby empowered to execute deed to the said property to the purchaser thereof: Provided, That nothing in this act shall prevent the Court of County Commissioners from using, or authorizing to be used, any of the material in the buildings and other property belonging to the county, at Jacksonville, in the erection and equipment of a new courthouse at Anniston."

Oath of
election
officers

Sec. 8. Be it further enacted, That section 22 of said act be amended, so as to read as follows:

"Sec. 22. Be it further enacted, That before entering upon the discharge of the duties imposed upon them by this act, each registrar, inspector, clerk and returning officer, shall take an oath faithfully and impartially to perform the duties required of them by this act, which oath may be administered by any person authorized to administer an oath, or by one another."

Sec. 9. Be it further enacted, That said act shall be further amended, by adding thereto the following additional sections, to-wit:

Blanks and
stationery

"Sec. 26. Be it further enacted, That it shall be the duty of the board of commissioners to furnish the several registrars and inspectors of election with necessary blanks and stationery for the purpose of making the registration of votes, and holding election, as provided in this act; and it shall be the duty of the county treasurer of Calhoun county to pay for such blanks and stationery on the order of the board of commissioners.

Filing of
petition

"Sec. 27. Be it further enacted, That the petition for holding the election, and the several orders and proceedings made and had thereon by the board of commissioners, created by this act, may be

filed by said board, in the office of the judge of probate of Calhoun county, who shall thereupon record the same on the minute books of the Probate Court of said county; and when so filed or recorded, a certified copy thereof shall be admissible in evidence in the several Courts of the State; but the failure to so file or record shall not affect or invalidate any election held thereunder.

"Sec. 28. Be it further enacted, That this act, and the act to which this act is an amendment, shall take effect immediately upon the passage and approval thereof."

When act
takes effect

Approved February 1st, 1899.

No. 233)

AN ACT

(H. 800

To amend an act, entitled "An act to require the salary for the solicitor for the County of Montgomery, and his deputy, to be paid by said county; and to dispose of the fees earned by said solicitor and his deputy," approved February 10th, 1893.

Section 1. Be it enacted by the General Assembly of Alabama, That section 2 of an act, entitled "An act to require the salary for the solicitor for the County of Montgomery, and his deputy, to be paid by said county, and to dispose of the fees earned by said solicitor and his deputy," approved February 10th, 1893, be amended, to read as follows: "Sec. 2. That said solicitor may appoint a deputy to represent him in the County Court of said county, who shall prosecute all criminal cases before said Court; and said deputy, for such services, shall receive one thousand dollars per year, to be paid monthly, by said County of Montgomery, out of any funds in the treasury of said county."

Deputy in
county
court;
salary of

Sec. 2. Be it further enacted, That all laws, and parts of laws, in conflict with this act be, and the same is, hereby repealed.

Repeal

Approved February 2, 1899.

No. 234)

AN ACT

(H. 641

To increase the revenue of the public schools of
Lamar and Fayette counties.

Special tax
for public
schools

Section 1. Be it enacted by the General Assembly of Alabama, That for the maintenance of the public schools of Lamar and Fayette counties, that shall be laid, levied by the county commissioners, and collected upon all taxable property within the counties of Lamar and Fayette, an annual tax of fifteen cents on each one hundred dollars of all the taxable property of said counties; said tax to be collected by the tax collectors of Lamar and Fayette counties at the same time, and in the same manner, and under the same penalties, and entered on the same list with taxes levied for State purposes, and the same shall be collected at the same time that they collect State taxes.

Tax collec-
tors to pay
county
treasurer

Sec. 2. Be it further enacted, That when said tax collectors shall collect the taxes herein prescribed for, the same shall be paid over to the county treasurers, on the first day of January of each year, and on the first day of each month thereafter, until the same have all been paid.

Duty of
county
treasurers

Sec. 3. Be it further enacted, That it shall be the duty of the county treasurers of said counties to keep a separate account of all funds paid to them to the credit of the public schools, and it shall be unlawful for any of said public school funds to be used for, applied or appropriated to any other use whatever.

Duty of
county
superint-
endents

Sec. 4. Be it further enacted, That it shall be the duty of the county superintendents of education to apportion said school funds in the same manner as other school funds are apportioned, and the superintendents shall receive the same commission for disbursing said funds as they receive from the disbursement of other school funds.

Duty of
county
commis-
sioners

Sec. 5. Be it further enacted, That the county commissioners shall levy said school tax at their first regular meeting in the year 1899, and the ap-

plication of said funds shall begin the following scholastic year.

Sec. 6. Be it further enacted, That the county Warrants on
superintendents of education shall draw their county
warrants on the treasurers for said school funds: treasurers
Provided, That the above tax does not exceed the
constitutional limit.

Approved February 1st, 1899.

No. 235)

AN ACT

(H. 195

Authorizing an election in certain precincts in
Madison County for or against the stock law,
approved February 9th, 1897, entitled "An act
to amend Section 1 of an act, to prevent hogs
from running at large in Madison County," ap-
proved February 16th, 1891.

Section 1. Be it enacted by the General Assembly of Alabama, That whenever ten householders and
freeholders, who are bona fide residents of the following portions of Madison county, viz: New
Hope, all that portion of Owens X Roads lying east of Flint river, Hazel Green, Sulphur Springs,
all that portion of Deposit precinct lying east of the Maysville and Deposit road and north of the
Nashville, Chattanooga and St. Louis Railway, and Madison X Roads, all that portion of Plevna
precinct lying west of the Nashville, Chattanooga and St. Louis Railway, file in the office of the
probate judge of said county, a petition in writing praying for an election to procure the abolition of
the stock law as provided for by an act of the General Assembly of Alabama, approved February
9th, 1897, entitled "An act to amend Section 1 of an act to prevent hogs from running at large in
Madison county," it shall be the duty of said judge, and he is hereby authorized and required to order
an election and to fix the time of holding same, which shall not be more than ninety, nor less than
forty days from the time of filing such petition.

Duty of sheriff Sec. 2. Be it further enacted, That the sheriff of said county shall give notice at least thirty days before the time so fixed for such election to be held, by publication, as now required by Section 1590 of the Code of Alabama, and inspectors and returning officers shall be appointed for the precincts mentioned in Section 1 conforming with the laws as now required in general elections.

Election Sec. 3. Be it further enacted, That upon the day so appointed, an election shall be held at the voting places of the precincts named in Section 1 of this bill, or such other place as the sheriff of said county shall appoint, and all persons who are at the time qualified voters under the general election laws of this State: Provided, That any person owning land or any interest therein in any of the above set out portions of said Madison county, shall have the right to vote in such election whether he reside in such portion or not, and whether otherwise qualified or not, shall be entitled to vote at said election, and such election shall in all respects be governed by the general election laws of the State except that inspectors and returning officers shall not be entitled to compensation for their services.

Ballots Sec. 4. Be it further enacted, That at such elections those who desire to vote for stock law shall deposit their ballot "For stock law," written or printed therein, and those who desire to vote against stock law shall deposit their ballots with the words, "Against stock law," written or printed thereon. When the votes so cast are returned and counted by the board of supervisors, as now required by law for general elections, the result of such election shall be by the judge of probate, within ten days published in some newspaper published in said county, said publication to be twice made.

Result and regulations Sec. 5. Be it further enacted, That if the result of such election shall be in favor of "no stock law" then the same regulations shall obtain that were in use before the said enactment approved February 16th, 1891, become a law.

Sec. 6. Be it further enacted, That each of the above portions of said county shall each for itself

hold a separate and entire election to itself, and shall in no way be dependent upon the action of any other precinct or portion of said county.

Sec. 7. Be it further enacted, That any contest in reference to an election held hereunder shall be instituted before and determined by the Court of County Commissioners of said county, who shall be sole judges of the returns in the same, except as herein otherwise provided and in conformity to such rules and regulations as are now provided by the general laws.

Approved February 1st, 1899.

No. 236)

AN ACT

(H. 146

To provide for the better support of the Public Schools of Baldwin County, Alabama, and for levying a special tax within constitutional limits to sustain them.

Section 1. Be it enacted by the General Assembly of Alabama, That the Commissioners Court of Baldwin county, Alabama, be, and they are hereby directed and required to levy and have collected for the year 1899, and each year thereafter, a special school tax of as many mills or such fractions of mills as when added to the assessments paid for other county purposes shall amount to, but not exceed the Constitutional limit of one-half of one per centum on the dollar of taxable property in said county as assessed for the State, which special tax shall be for the support and maintenance of the public schools in said county, as hereinafter provided.

Sec. 2. Be it further enacted, That it shall be the duty of the tax collector of said county to pay over to the county treasurer, as herein provided, all monies collected by him and on hand under the provisions of this act, on the first day of January of each year, and on the first day of each month thereafter, until the same shall have all

been paid, showing with each such payment what amount is collected from white, and what amount is collected from colored tax-payers.

Duty of
county
treasurer

Sec. 3. Be it further enacted, That it shall be the duty of the county treasurer of said county to keep a separate account of all funds paid to him, to the credit of public schools, and it shall be unlawful for any of said public school fund to be used for, applied or appropriated to any other use whatsoever.

Duty of
county
superint-
endent

Sec. 4. Be it further enacted, That it shall be the duty of the county superintendent of education to furnish by the first day of October of each year to the county commissioners the census of the school children, taken under the laws of Alabama, showing the number of children within the school age, noting the number of white and the number of colored in the several townships and separate school districts in said county.

Appor-
tionment
by com-
missioners

Sec. 5. Be it further enacted, That the special school tax herein provided for shall be applied and apportioned to the several townships and separate school districts in said county. And the county commissioners shall as soon as practicable after the assessment of taxes and receipt by them of the census provided for in Section (4) four of this act, and in every year determine what amount of such school fund shall be apportioned to each township and separate school district in said county; and they shall furnish the county superintendent of education the amount of such school fund appropriated by them to each of said townships and separate school districts of the county. And upon such determination by the county commissioners it shall be the duty of the county treasurer to pay over to the county superintendent of education the amount allowed by the commissioners for the several townships in said county, such payments to be made upon the warrant of the probate judge of said county; and the money then paid shall be used exclusively for the support and maintenance of the public schools within the respective townships and separate school districts and for no other purpose,

and under the laws of this State governing the disbursement of other school funds.

Sec. 6. Be it further enacted, That the tax assessor and tax collector for their services performed under this act, shall receive the lowest per cent to which they are entitled for collecting the general tax of the county and to be paid out of the general fund.

Per cent for
assessing
and collect-
ing

Sec. 7. Be it further enacted, That the county superintendent of education and county treasurer shall receive for their service performed under this act such amount as the Court of County Commissioners may deem to be just and fair, but in no case to exceed two per cent of all funds disbursed by them respectively under this act.

Pay of super-
intendent
and county
treasurer

Approved February 1st, 1899.

No. 239)

AN ACT

(S. 190

To authorize the Mayor and Council of the Town of Edwardsville, in Cleburne County, to issue bonds of said town to the amount of twenty-five hundred dollars.

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the Town of Edwardsville, in Cleburne county, be, and they are hereby authorized to issue, in their corporate capacity, negotiable coupon bonds of said Town of Edwardsville, to the amount of twenty-five hundred dollars, for the purpose hereinafter stated, the principal of said bonds to be payable twenty years after date of same, and to bear interest at a rate not exceeding five per centum, per annum.

May issue
bonds

Sec. 2. Be it further enacted, That said bonds shall be in such denominations or amounts as may be determined by the mayor and council of said town, not, however, less than one hundred dollars, nor larger than five hundred dollars, with coupons attached for the interest for each year.

Denomina-
tion

Use of pro-ceeds Sec. 3. Be it further enacted, That the proceeds of the sale of said bonds shall be applied to the settlement, or payment, of the amount due on the bonds of said town, issued under and by virtue of "An act to authorize the mayor and council of the Town of Edwardsville, in Cleburne county, to issue bonds of said town to the amount of twenty-five hundred dollars, for the purpose of purchasing land and erecting thereon and equipping a school building for the benefit of said town," approved February 9th, 1897, and for such other purpose as may be deemed proper by the corporate authorities of said town.

When valid Sec. 4. Be it further enacted, That said bonds shall not be valid until the same have been signed by the mayor of said town, and attested by the treasurer thereof; and the treasurer of said town shall keep a correct account of all bonds disposed of under this act, showing the face value thereof, and to whom sold, and the amount for which same are sold.

Approved February 1st, 1899.

No. 240)

AN ACT

(S. 223

To abolish the County Court of Clay County, organized under the General Statutes of Alabama, and to confer the power and jurisdiction of said abolished Court upon the County Court of Clay County, recently established by this Legislature for said County of Clay, and to provide for the transfer of all cases pending in said abolished Court to the new Court so established.

Court abol-ished Section 1. Be it enacted by the General Assembly of Alabama, That the County Court of Clay, established by the General Statutes of this State shall be, and the same is hereby abolished and all its power and jurisdiction shall be, and the same are hereby conferred upon the new County Court of Clay, established by recent act of this legislature.

Sec. 2. Be it further enacted, That all causes pending in said abolished County Court shall be, and the same are hereby transferred therefrom to the County Court of Clay, established by a law of this legislature, and it shall be, and is hereby made the duty of the judge of said abolished County Court to transfer and deliver to the clerk of said recently established County Court all affidavits, indictments, bonds and other papers relating to any prosecution so pending in his Court, together, also with a certified copy of all main entries which may have been entered upon the docket relating to such transferred cases.

Transfer
of cases

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this law shall be, and they are hereby repealed.

Repeal

Approved February 1st, 1899.

No. 243)

AN ACT

(S. 275

To authorize and empower the City of Mobile to grant to the Mobile Railway Terminal Company, the right to lay railway tracks upon, along, over or under the streets or alleys of said city, and to construct passenger or freight depots or stations, across, along, over or under any street or alley of the said city.

Section 1. Be it enacted by the General Assembly of Alabama, That whenever it may be necessary, in order to enable the Mobile Railway Terminal Company to acquire and construct proper railway terminal facilities in the City of Mobile, or to connect such facilities with the tracks of any railroad company with which said terminal company may have contracted to furnish such facilities, the mayor and general council of the City of Mobile is hereby expressly authorized and empowered to grant the said Mobile Railway Terminal Company the right, franchise, or privilege to lay and operate a track or tracks across, along, over or un-

Authority of
Mayor and
council

der such of the streets or alleys of the City of Mobile as may be necessary for that purpose; and said mayor and general council are also hereby expressly authorized and empowered to grant the right, franchise, or privilege to said Mobile Railway Terminal Company to construct such passenger or freight depots or stations across or along, over or under any such streets or alleys of said City of Mobile, when it shall be necessary in order to furnish proper railroad terminal facilities in said City of Mobile.

When act
takes effect Sec. 2. Be it further enacted, That this act take effect and be in force on and after its passage.
Approved February 2nd, 1899.

No. 246)

AN ACT

(S. 168)

To amend Sections 14, 15, 16, 17, 19 and 25 of an act approved February 18, 1895, entitled "An act to establish a new charter for the City of Anniston," and the acts amendatory thereof.

Sec. 14.
amended Section 1. Be it enacted by the General Assembly of Alabama, That Section 14 of an act approved February 18th, 1895, entitled "An act to establish a new charter for the City of Anniston," be, and the same is hereby amended so as to read as follows: Sec. 14. Be it further enacted, That all taxes shall be collected as herein prescribed and from and after the 1st day of January of each year, the City of Anniston shall have a lien prior to all other liens, except the lien in favor of the State and county for taxes, upon each and every piece or parcel of property, real or personal, for the payment of taxes which may be assessed against the owner or upon such property during the year for the use of said city. And if any property has heretofore escaped taxation by reason of a failure to be assessed or by reason of any defective assessment or for any other reason, same may be assessed for such escaped taxes, and such taxes collected in the same manner that annual taxes are collected:

Provided, That the said escaped property shall have been assessed for State and county taxation during the preceding year. And the City of Anniston shall have the same liens for such escaped taxes as are provided for annual taxes; provided, however, that no claim for escaped taxes shall extend back for a period of more than five years.

Sec. 2. Be it further enacted, That Section 15 of said act, approved the 18th of February, 1895, be amended so as to read as follows: Sec. 15. Be it further enacted, That the city council is authorized to create such offices, and provide by ordinance for the appointment or election of such officers as may be necessary for the good government of the city (not to interfere or conflict with the duties of officers or appointees provided for in this act), whose compensation and bonds and time of service shall be fixed before their election. The city council may at any time consolidate any two or more offices created by it, or abolish such offices. All election by the city council shall be viva voce, on the call of the roll, and the mayor shall have the right to vote on all elections for officers. All officers elected by the city council to any office created by it may be required to give bond, conditioned for the faithful performance of the duties thereof, in such sums and with such security, payable to said City of Anniston, as may be fixed by ordinance of said city council, to be approved by the council. No councilman shall be eligible to any city office during the period for which he was elected councilman.

Sec. 3. Be it further enacted, That Section 16 of said act, approved the 18th of February, 1895, be amended so as to read as follows: Sec. 16. Be it further enacted, That the city council shall elect a tax assessor, whose term of office shall be two years, and whose salary and bond shall be fixed by the city council. It shall be the duty of such assessor, before the first day of April each year, to assess for taxes all property within the corporate limits of said city, subject to taxation under the laws of this State, such assessment naming the

Section 16
amended

person liable for such taxes, when known, and specifying the property when the owner is not known, which assessment shall be returned to the city council, and the mayor shall cause at least ten days' public notice that such assessment has been made, and a time when the council or a committee thereof will hear and determine upon all complaints which may be made against such assessment, and it shall be the duty of the city council or committee thereof, to correct errors and supply omissions, and when the same has been passed upon by the city council, they shall levy a tax thereupon, and such levy shall have the force and effect of judgment, and if the taxes on personal property be not paid on or before the first day of May of each year, the city tax collector shall, without delay, levy on said personal property for the payment of the city taxes and he shall proceed to sell the same or so much thereof as may be necessary to satisfy the taxes, fees and expenses of sale, including expenses of keeping or moving property, and said sale shall be made by said city tax collector after giving ten days' notice of the time and place of sale in the same manner as is required by law in cases of sales of personal property by tax collectors for the satisfaction of State and county taxes. Said sales shall be made in front of the city hall in Anniston at public outcry to the highest cash bidder and the property so sold shall not be subject to redemption. At any time prior to sale, the taxpayer may prevent the sale and discharge the levy by the payment of the taxes, interest, fees and expenses, and the city tax collector shall be entitled to a fee of fifty cents for making the levy, and an additional fee of seventy-five cents for making the sale, to be collected out of the property. Any surplus after the payment of the taxes, fees and expenses shall be paid to said taxpayer.

Sec. 17.
amended

Sec. 4. Be it further enacted, That Sec. 17 of said act approved the 18th of February, 1895, as amended by an act to amend Sections 17 and 25 of an act approved February 18th, 1895, entitled

"An act to establish a new charter for the City of Anniston," be amended so as to read as follows:

Sec. 17. Be it further enacted, That all taxes on real estate and on personal property in said City of Anniston, shall be due on April 1st of each year, and shall become delinquent on May 1st of each year, and from and after the passage of this act, all taxes, licenses and fines due or to become due in the City of Anniston, shall be payable alone in lawful money of the United States: Provided, That bonds and coupons of said city issued under legislative enactment authorizing such bonds and coupons to be received in payment of such fines, licenses, taxes and charges, shall not be affected hereby. It shall be the duty of the city tax collector, at the expense of the city, to procure a substantially bound book, in which he shall docket a separate case against each lot or parcel of land assessed to any person upon which the taxes or any portion thereof are unpaid, describing the land as in the assessment, stating the amount of taxes due on each lot or parcel and the name of the owner or person to whom assessed. And he shall in like manner enter in said book each parcel of land assessed to "owner unknown," and the amount of taxes due thereon. Said docket shall be arranged each year in alphabetical order according to the name of the owner. Said book shall be delivered to the recorder or to the mayor, if there be no recorder, on or before May 15th; but, if from any cause, the same is not delivered by them, it may be delivered therefor. On receiving such book the recorder or mayor, as aforesaid, shall issue a written notice as follows:

State of Alabama, City of Anniston. To ———
 ——— (naming taxpayer): The city tax collector has filed with me a list of delinquent tax payers of real estate upon which taxes are due. You are reported as delinquent and the following lot (or parcel of land) is reported as assessed to you, to-wit: (Here insert description).

This is to notify you to appear before me on the ——— day of ———, ———, then and

Section 17
 amended

Section 17
amended

there to show cause why a decree for the sale of said real property should not be made for the payment of the taxes assessed against it and fees and costs.

Recorder (or Mayor).

Such notice may be served by the city tax collector or any policeman of the City of Anniston by handing a copy to the tax payer or his agent, or by leaving a copy thereof at the residence or place of business of such tax payer or his agent; and, with endorsement showing manner and time of service or reasons for not serving, it must be returned to said recorder or mayor on or before the day set for the trial of said cause. If the party against whom an assessment has been made has since died, then such notice shall be served on his executor or administrator if there be such and he resides within the county. If the property was returned by or assessed by a guardian or other person for a minor or person of unsound mind, or by a trustee or by a personal representative for the estate of a deceased person, or by any public officer or receiver, such notice must in like manner be served on the party to whom assessed or who made the return of his successor. If the person against whom such assessment is made is a non-resident of the county and has no agent therein known to the tax collector, or he has died since such assessment was made, and there is no executor or administrator of his estate residing within the county, such notice may be given by publishing the same once a week for three consecutive weeks in some newspaper published in the City of Anniston. And such notice shall be substantially as follows:

"Notice is hereby given that the city taxes assessed by the City of Anniston on the following described real property for the year ———, is due and unpaid and unless the same, together with interest and costs, shall be paid on or before the ——— day of ———, or cause be shown to the contrary, a decree will be rendered by the recorder (or mayor, as the case may be) of Anniston that

said property be sold for the payment of said taxes, interest and costs: Describe property as in assessment. Assessed to (name of owner). Amount of taxes \$———. Interest \$———. Costs \$———.

Section 17
amended

_____, City Tax Collector. And when practicable the property of all such delinquent tax payers shall be included in one notice. When any assessment is made to "owner unknown" notice must be given by publication once a week for three consecutive weeks in some newspaper published in the City of Anniston substantially in the following form: State of Alabama, City of Anniston. To Whom it May Concern: Take notice that the city tax collector has reported to me that the city taxes assessed on (describing the property) are due and unpaid and assessed to "owner unknown." Unless cause be shown to the contrary a decree will be rendered on the _____ day of _____, for the sale of said real estate for the payment of taxes assessed upon the same, with fees and costs. _____ Recorder (or Mayor.) Any person interested in such property may defend the cause docketed against same. All property so assessed to owner unknown for one year shall be incorporated in one notice. No case shall stand for trial unless service shall have been perfected for five days prior to the date set for the trial, and if in any cause, service shall not have been so perfected, the cause may be continued until the lapse of five days from the date that service was perfected. On the trial of said cause, either in the recorder's court or in the City Court on appeal, the docket as prepared by the city tax collector and filed with the recorder or mayor, shall be prima facie evidence of the amount of taxes and fees due, and that the same have been properly assessed and charged, and are unpaid. If the recorder or mayor shall render judgment against said property for the said taxes, judgment shall be entered as follows: "Due notice having been given and no cause shown to the contrary, it is decreed that the property described in this cause be sold for the non-payment of \$———, the amount of

Section 17
amended

taxes, \$—— interest, and \$—— costs." Such decree shall be signed by the recorder or mayor. And in computing interest on delinquent taxes it shall be reckoned from May 1st to the date of judgment at the rate of 12 per cent. per annum. or if paid before judgment then at the said rate to the time of payment. After the rendition of such decree the city tax collector shall proceed to sell the said real estate for cash to the highest bidder in accordance with said decree, in front of the city hall, after having given notice of time, place and terms of sale for three successive weeks in some newspaper published in Anniston, setting forth the description of the property and to whom assessed, and the amount of the judgment against the same. The City of Anniston may purchase at any sale any piece of property for which there is no bid equal to the amount of the judgment, and such sale so advertised may be continued from day to day as may be necessary to sell all the real property embraced in the decrees. When practicable all such real estate ordered to be sold shall be included in the same notice of sale. The mayor shall attend all sales and keep a record of the same and to whom sold and the amount paid, which record shall be kept in the mayor's office. The fees and costs in cases of delinquent taxes shall be the amount provided by city ordinance, and shall be due when the services are performed. From any decree by the recorder or mayor for the sale of real property for the payment of taxes, either party may appeal to the City Court of Anniston within five days after the rendition of the decree. If the defendant appeals, he shall give bond with surety in double the amount of the decree, payable to the City of Anniston, conditioned that he will prosecute the appeal to effect and pay any judgment rendered by said City Court. Such appeal must be tried de novo, and if the appeal be by the defendant, and it is decided adversely to him, judgment shall be rendered against him and his sureties for taxes, fees and costs, for which execution

may issue, and a lien shall be declared upon the land described in the decree from which the appeal was taken, which lien, with a description of the lands, must be described in the judgment. If said judgment be not paid within ten days, then said judgment shall be certified to the city tax collector, who shall proceed to sell the land condemned for the satisfaction of the judgment and costs in the same manner that sales are made by him under the decree of the recorder. When any piece of property so offered for sale is bid off by any person or by the City of Anniston, the city tax collector shall give to such purchaser a certificate, stating the fact of his purchase and the price, the amount and the nature of the judgment for which the property was sold, which certificate shall be transferable by endorsement, and if said property is not redeemed by the end of two years, from the date of sale, the city tax collector shall execute a deed to the holder of the certificate conveying the property sold, which deed, when acknowledged by said tax collector before any competent officer or probated as required by law and recorded, shall vest in the grantee all the right, title and interest which the owner of the property conveyed had in the same. A deed made and recorded as provided in this section shall, when offered in evidence in any Court of this State, be prima facie evidence that every requisite for a legal sale under this act has been fully complied with. If, for irregularity in proceedings, or other cause, a sale for taxes under this act shall prove ineffectual to pass title to the purchaser at such sale, or his assigns or grantees, then the holder of the certificate of purchase, or deed, as the case may be, shall have the lien of said city council of Anniston on the land therein named for the amount of taxes, interest and costs, for which said land may have been sold, and shall also be a lien upon said land for taxes paid thereon by any holder of such certificate, or deed, after the time of such sale, and such lien may be enforced by new proceedings before the recorder, in the name of the City of Anniston, upon indemnity be-

Section 17
amended

Section 17
amended

ing given for costs. The owner or mortgagee of any interest in said property, whether in possession, reversion or remainder, may, at any time before the execution of the deed provided for in this act, redeem any property so sold by paying to the city tax collector the amount for which said property was sold, with ten per centum damages thereon, and interest on the whole amount at twelve per cent. per annum; and said collector shall give to the person redeeming a certificate of such redemption, which, if held by a mortgagee or other person in interest, shall be a lien on said land for the amount paid to redeem any interest therein, and any subsequent taxes paid by such redeeming party; and the said tax collector shall pay over all the redemption money to the holder of the certificate of purchase, upon the same being presented to him. The recorder shall tax as costs against the property ordered to be sold by him, fees for docking and giving notice, and for the trial and rendition of judgment, and for making certificate of purchase and execution of a deed as the city council of Anniston may prescribe, not exceeding five dollars in any case, which shall be paid into the treasury of the city, and there shall be likewise taxed as costs all the expenses of notices by publication. The certificate of purchase under this act shall authorize the purchaser, or his assignee, to maintain ejectment for the possession of premises sold, against the former owner, if the sale was made as required by this act, and in addition to the right of redemption, hereinbefore secured by this act, the owner or mortgagee of any interest in the property, whether in possession, reversion or remainder, may redeem the same on the terms and conditions prescribed in this section above provided for, at any time within two years from the time the purchaser enters upon or brings suit for the possession of the property, and if such owner or mortgagee is an infant or person non compos mentis, he shall be allowed two years after the removal of such disability in which to redeem.

Sec. 5. Be it further enacted, That Sec. 19 of said act approved the 18th of February, 1895, be

amended so as to read as follows: Sec. 19. Be it further enacted, That when any person tried before the recorder or the mayor is dissatisfied with his judgment, such person may appeal within five days to the City Court of Anniston by giving bond with good and sufficient sureties, to be approved by the recorder or mayor, in double the amount of fine and costs imposed by said recorder or mayor, conditioned that the defendant appear, pay, and satisfy any judgment that the City Court may render against said defendant on such appeal. If the judgment of said recorder or mayor from which an appeal is taken be not a money fine, then said judgment shall be in such sum as the recorder or mayor shall prescribe, and shall be conditioned that the defendant appear, pay and satisfy any money judgment that said City Court shall render against the said defendant. When any fine is assessed on such appeal the Court shall render judgment against the defendant and his sureties for the amount of such fine and costs upon which execution may issue as in civil cases. If the judgment of the City Court be that the defendant be imprisoned in the city jail or put to hard labor for the city, then the Court shall render judgment against the defendant and his sureties for the costs, and the Court shall remand the defendant to the city authorities for the imprisonment or hard labor imposed by said City Court. The proceedings on such appeal shall be in all respects as prescribed by law in cases of appeals from the judgment of the County Court in criminal cases except as herein changed. If the appeal be from a judgment for a money fine, and the defendant fails to appear, then the judgment of the recorder or mayor shall be affirmed and judgment also rendered against the sureties on the appeal bond. If the appeal be not from a judgment for a money fine, and the defendant fails to appear, then the same proceedings shall be had on his appeal bond as provided by law on the failure of the defendant to appear on his appeal from the judgment of the County Court in criminal cases; and a warrant of arrest may issue

Sec 19.
amended

from said City Court directed to any sheriff of the State of Alabama, or any policeman of the City of Anniston, and if such defendant be arrested he shall be committed to the city jail of Anniston to await the trial of his said appeal unless he shall give bond, with good sureties, to be approved by the recorder or mayor, with the same conditions and in the sum required in his first appeal bond, and in said City Court the same proceedings shall be had as if the defendant had appeared in accordance with his first undertaking. The trial in the City Court shall be de novo by the Court without the intervention of a jury, unless at the first call of the docket in the City Court after the appeal, the defendant shall demand a trial by jury and deposit with the clerk of said Court a jury fee of four dollars, which shall be paid by said clerk into the county treasury as other jury tax fees are paid. From the judgment of said City Court either party may appeal to the Supreme Court of Alabama.

Sec. 25.
amended

Sec. 6. Be it further enacted, That Section 25 of said act approved the 18th day of February, 1895, as amended by an act to amend Sections 17 and 25 of an act approved February 18th, 1895, entitled "An act to establish a new charter for the City of Anniston," be amended so as to read as follows: Sec. 25. Be it further enacted, That the city council shall have power to pass ordinances not in conflict with the laws of the State of Alabama, for the punishment of any criminal offense committed in said city within its jurisdictions, and all ordinances for the punishment of any offense against said ordinance, unless the same be in terms restricted to the city limits, shall apply to the police jurisdiction as well. Any conviction of an offender against any ordinance of said city, for an offense which is a misdemeanor under the laws of the State of Alabama, shall be a bar to further prosecution for the same offense in any part of the State Courts.

Repeal

Sec. 7. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved February 2nd, 1899.

No. 247)

AN ACT

(S. 22

To repeal so much of an act entitled "An act to fix the compensation for recording, registration and copying in the probate offices in the counties of Lowndes, St. Clair, Etowah, Blount and Cullman," approved December 12, 1892, as relates to the County of Lowndes.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "An act to fix the compensation for recording, registration and copying in the probate offices in the counties of Lowndes, St. Clair, Etowah, Blount and Cullman," approved December 12th, 1892, be, and the same is hereby repealed so far as it relates to the County of Lowndes.

Repeal as to
Lowndes
county

Approved February 2nd, 1899.

No. 248)

AN ACT

(H. 643

To amend, ratify and confirm the charter of the Town of Vernon, in Lamar County.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of Vernon, in the County of Lamar, shall be and continue a body politic and corporate by the name of the Town of Vernon, and by this name may sue and be sued, grant, receive, and do all other acts as natural persons in respect to the power herein granted, may purchase and hold real and personal property and mixed property and dispose the same for the benefit of said town and may have and use a corporate seal, which may be broken and altered at pleasure.

Name

Rights

Sec. 2. Be it further enacted, That the corporate limits of the Town of Vernon shall embrace an area as follows: From the court house three-fourths mile north, from the court house, one-fourth

Corporate
limits

mile east, from the court house, three-fourths mile south, and from the court house, one-half mile west, forming a square, and shall have police jurisdiction extending five hundred yards beyond the corporate limits.

Election

Sec. 3. Be it further enacted, That an election shall be held in the Town of Vernon on the first Monday in March, 1899, and every two years thereafter for the purpose of selecting a mayor and five councilmen, male inhabitants, over the age of 21 years, residents of said town, who shall serve a term of two years, and until their successors in office are elected and qualified. And all persons living within said corporation thirty days and are qualified voters for the members of the General Assembly of the State, shall be entitled to vote in said municipal election. If from any cause, said town fails to hold an election on the day specified by this act, the mayor and councilmen shall within thirty days thereafter hold an election: Provided, That notice of such election be published by posting notices in three public places in said town for ten days prior to the day set for such election. And the board of managers of said corporation election shall be appointed by the mayor and board of councilmen. The mayor and councilmen shall declare the result of the election and determine who are elected officers. In case of a tie shall determine who shall be mayor and councilmen, but the corporation shall not be dissolved should there be no election as herein prescribed. And should said mayor and councilmen fail or refuse to order such election within thirty days as above prescribed, they shall be guilty of a misdemeanor, and the citizens, legal voters of said town, may order said election as described. That any election held under this act may be contested in the same manner as is or may be provided by laws of this State for the contest of election of judge of probate, and that so far as possible they shall apply to all elections under this act.

Sec. 4. Be it further enacted, That the board shall consist of a mayor and five councilmen and

shall have the following powers: 1st. To control the finances and the property of the corporation. 2nd. To appropriate money for the purposes provided in this act and by proper ordinances to provide for the payment of the legitimate debts and expenses of the corporation. 3rd. To levy and collect taxes for the general and special purposes on real and personal property situated within the limits of the town. 4th. To license all business and trade not prohibited by the Constitution and laws of the State of Alabama, to fix the amount, terms and manner of issuing or revoking such license, to provide a penalty for doing business without such license when it is required. 5th. To license and regulate auctioneers, lumber yards, livery stables, public sales, money changers, second-handed and junk stores. 6th. To license, regulate and restrain hackmen, porters and public houses, expressmen and others pursuing like occupations and to prescribe their compensation. 7th. To license and regulate and restrain pin alleys, ball players and billiards, or any other table used for similar purposes. 8th. To prohibit and suppress houses of prostitution and disorderly houses, also to suppress gaming, gambling and gambling houses, lotteries and all fraudulent devices and practices for the purpose of gaming or obtaining money or property, and prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations, and to prevent or prohibit all public masquerades, exhibitions and amusements which violate public morals or decency. 9th. To assess, levy and collect annually a tax for general and special purposes on real and personal property, at a rate not exceeding one-half of one per cent. on the cash value thereof. 10th. To license, regulate and restrain peddling and vending of patent medicine within the corporate limits of said town. 11th. To establish, open and alter, vacate, abolish and widen, extend, grade, cut down, fill in, or otherwise improve all streets, sidewalks, alleys, public grounds and squares, and to provide for the payment thereof in a manner not incon-

Powers

Powers

sistent with the provisions of this act. 12th. To plant trees upon the same, to regulate the use of the same, to prevent and remove obstructions and incroachments upon and to provide for the cleaning of the same. 13th. To regulate the use of sidewalks and structures thereunder, and to require the owner or occupant of any premises to keep the sidewalks in front or along the same free from obstruction. 14th. To regulate or prevent the throwing or depositing of any ashes, dirt, garbage, or other offensive matters in and to prevent injury to any street, ravine, alley, or public grounds. 15th. To regulate the speed of horses and other animals, vehicles, etc., within the corporate limits. 16th. To provide for the draining off or filling up ponds or mud-holes on property whenever necessary to abate and prevent nuisances, and to cause the same to be done at the expense of the town, or at the cost of the owner of the premises as the council may deem best. 17th. To maintain cleanliness and health, to provide for the cleaning of places likely to become detrimental thereto and by ordinance to protect health, prevent the spread of diseases, maintain a good sanitary condition in streets, public places and private places in the town. 18th. To suppress all nuisances at the expense of the person causing the same, or upon whose premises the same may be found, on private or public property, and may enter on private property for that purpose. 19th. To establish a system of drainage, to regulate the manner in which private property may be drained. 20th. To prevent the sale of decayed or adulterated food, or adulterated drinks. 21st. To prevent any offensive or unwholesome business or establishment within the corporate limits of the town. 22nd. To compel the owner of any grocery, cellar, tannery, stable, pig sty, privy, sewer, or other unwholesome place or nuisance, to cleanse, remove or abate the same and to regulate the location thereof. 23rd. To provide for the erection and care of public buildings necessary for the use of the town, to provide for the taking of the census of the town, which may

be taken every two years, but not oftener. 24th. To exercise the right of eminent domain for public purposes in the manner prescribed by the Constitution and laws of the State of Alabama. 25th. To regulate the police of the town and to restrain and prohibit disorderly conduct and breaches of the peace. 26th. To regulate, restrain or prohibit the use of fire works, fire crackers, torpedoes, roman candles, sky rockets and other fire works. 27th. To prohibit and prevent cruelty to animals, and to restrain vagrants, mendicants and prostitutes, to prohibit and restrain gaming and the keeping of gaming houses, to prevent nuisances and punish persons creating the same, and to abate and remove the same at the expense of the person causing or creating it. To remove any obstruction of the sidewalks, streets and alleys, to punish the same by fine, and remove the same at the expense of the person causing the same. To regulate partition and other fences and walls, to increase the police force at any time when necessary, to pass and enforce all ordinances needful and beneficial to the inhabitants of the town of Vernon, not in conflict with the Constitution and laws of the State of Alabama, and the provisions of this act. 28th. To license, regulate and restrain the selling or giving away of any spirituous, vinous or malt liquors within the corporate limits of the town, the license not to extend for a longer time than the fiscal year in which it is granted, and the board of councilmen may fix the license for selling such spirituous, vinous or malt liquors in a sum in their discretion not to exceed twelve hundred and fifty dollars per annum: Provided, That permission may be granted to druggists for the sale of liquors for medicinal purposes, chemical, mechanical and sacramental purposes, subject to forfeitures under such regulations as may by ordinance be established. 29th. To revoke all license under such restrictions and regulations as may be provided by ordinance. 30. To close houses and places for the sale of intoxicating liquors, when the public peace and safety may re-

Powers

Powers

quire. 31st. To forbid and punish the selling or giving away of any spirituous, vinous or malt liquors to any minor, habitual drunkard, or person of feeble mind. 32nd. To prescribe the duties and powers of the marshal, policemen or watchman, and to provide for the payment of said officers. 33rd. To pass ordinances for the punishment of all persons who in any manner interfere with any police officer in the performance of any of his duties as such police officer; and for the punishment of any person who, when called upon by any of the town officers to aid in the arrest of any person in the police jurisdiction of said town and shall refuse to render assistance as required. 34th. To any person against whom upon trial for the violation of a town ordinance, a fine or penalty has been imposed, may, upon the order of the mayor, be committed to the town prison until such fine and costs are paid, but shall not be imprisoned for more than ninety days. The board of councilmen have the power to provide by ordinance that every person so committed shall be required to work out such fine and costs upon the streets or otherwise in payment of such fine not exceeding one dollar per day, exclusive of board, provided that no female shall be required to work upon the streets of said town. 35th. The board shall have authority to require all male inhabitants of said corporation, who would otherwise be subject to road duty under the road laws of Lamar county, to work upon the streets of said town not exceeding ten days in each year, under such directions as the board may prescribe; provided, that any person so required to work may relieve himself from working by paying into the town treasury such a sum as the board may direct, to not exceed, for any one year, the sum of five dollars, provided, further, that the male inhabitants of said town may be exempt from working on the roads and highways outside of said town limits; the money so paid into the treasury shall constitute a street fund, and shall be applied exclusively to working and improving the streets of said town. 36th. The board shall have the power to prescribe

and define the limits in which spirituous, vinous or malt liquors shall be sold, and the board shall have the power at all times to revoke all license for the sale of spirituous, vinous or malt liquors for violation of the Sunday law or keeping a disorderly house. 37th. The board shall have the power to supply all vacancies in its body and the person so appointed shall hold until his successor is elected and qualified.

Powers

Sec. 5. Be it further enacted, That the mayor and councilmen may levy and collect each year taxes upon real and personal property which is subject to State taxation within said town not exceeding one-half of one per centum, on the value of such property, and subject to taxation. All property is subject to taxation within the corporate limits of said town at the time the levy is made and shall be liable to taxation as hereby provided. 2. The board of councilmen shall inspect the return of the assessors and in case where the property is not given in its value shall raise the valuation thereof, after first giving the owner thereof ten days notice to appear before them, and show cause why the same should not be done, and the taxes levied under this act shall have the force and effect of any judgment at law against the person assessed therewith, and for the payment of such taxes the Town of Vernon shall have a perfect claim over all incumbrances and securities whatever, and all the taxes assessed against the property of any person or persons under this act, or for which such person shall become liable for the current year, shall be a lien upon the real and personal estate of such person or persons within the Town of Vernon, on the 1st day of January of that year, or shall attach from the time it is brought in, if brought into the town after that time. 3. After the taxes shall be fixed and levied the person empowered to collect the taxes shall give thirty days notice, by posters in conspicuous places, that he is ready to receive payment of the taxes so levied. 4. After thirty days have elapsed, from the first publication of such notice, the said collector of taxes.

Taxes

or his deputy, shall make a personal demand on the delinquent taxpayers wherever they may be found: 5. After the expiration of sixty days from the first publication of said notice as aforesaid, the tax collector may levy upon, seize and sell any personal property, if there be any, if none or not sufficient of the personal property then upon the realty of such delinquent taxpayer, and no personal property so sold shall be subject to redemption, but when real estate is levied upon, ten days notice of such sale must be given by posting notices in three public places in the Town of Vernon. The land may be described by such numbers and abbreviations as will clearly indicate the land to be sold, and the sale shall be in front of the mayor's office in said town. 6. At such sales the tax collector shall sell off a sufficient quantity of such property as to meet the costs of sale and the taxes, and shall give a certificate of purchase to the person so bidding the same in. The Town of Vernon may be a purchaser in the absence of a bidder for such property, and said certificate of purchase shall vest in said Town of Vernon the same rights and titles as other persons. 7. Any real property sold under the provisions of this act may be redeemed at any time within two years after the sale by payment to the Town of Vernon the amount of the purchase money, all subsequent costs and taxes that may have been paid by the purchaser, with interest thereon at the rate of ten per cent. per annum; and upon said payment shall receive from the tax collector a certificate of redemption thereof. It shall be the duty of the tax collector or the person or officer employed by the board to collect the taxes, to keep a record of all certificates of purchase and redemption. After the expiration of two years from the date of sale, if the property so sold is not redeemed, the tax collector then in office shall, upon application of the holder of the certificate of purchase, make deed to such property sold and unredeemed, and deliver the same to such certificate holder or his assignee upon return of the certificate of purchase and payment of all

May be
redeemed

subsequent taxes upon said property; and one dollar for the deed; and such deed shall be made by the tax collector in his official capacity, and so signed and acknowledged by him before some officer competent to take acknowledgements for conveyances, and shall invest the holder with the same rights as any other deed to real estate and be in like manner recorded. 8. For failure to work the streets, such person so failing shall be reported to the mayor, by the marshal or other officers, who shall oversee such work as may be provided by ordinance of said town. The mayor shall try such exceed three dollars per day for each day in default.

Working
streets

Sec. 6. Be it further enacted, That the mayor and council of said town shall have power to employ or appoint a clerk, marshal and all other officers they may deem advisable, for the good and convenience of the town, and may fix and regulate their duties; also may employ counsel for advice and for the prosecution of offenders, and for defense of all suits against said town, and for such other purposes as the mayor and council may deem necessary for the good and welfare of the town.

Town officers

Sec. 7. Be it further enacted, That the town council shall have power to pass ordinances, not in conflict with the laws of the State of Alabama, for the punishment of any criminal offense committed in the said town within its jurisdiction, and all ordinances for the punishment of any offense against said ordinance, unless the same be to the town limits, shall apply to the police jurisdiction as well, any conviction of an offender against any ordinance of said town, for an offense which is a misdemeanor under the laws of the State of Alabama, shall be a bar to further prosecution of the same offense in any of the State Courts.

Ordinances

Sec. 8. Be it further enacted, That where parties are before the mayor, or in his absence, before the mayor pro tem., dissatisfied with any judgment rendered by said mayor, or mayor pro tem., he may forthwith appeal to the Circuit Court of Lamar county, by giving bond, with good security, to be

Appeals

Appeals

approved by the mayor, conditioned to pay and satisfy such judgment with costs, as the Circuit Court may render on such appeal; but, unless such bond be given within five days, then no appeal shall be allowed from such judgment. The proceedings on such appeal shall be in all respects as prescribed by law in cases of appeal from judgments of justices of the peace in civil cases, except as changed by this section. If such defendant fails to appear in said Circuit Court and the case is called for trial, the judgment of the mayor shall be affirmed, and judgment shall be rendered against the defendant and the sureties on his appeal bond, for the amount of the fine and costs imposed on him by the mayor, and the costs of appeal, unless good cause be shown to the Court for his absence or default. In case the defendant appears and judgment is rendered by said Court for money, the Court must also render judgment against the sureties on his appeal bond for the amount of such judgment and costs; and if the judgment of the Circuit Court be that the defendant be imprisoned or put to hard labor for the town, then the Court shall render judgment against the defendant and the sureties on his appeal bond for all costs and remand the defendant to the town authorities for punishment. From the judgment of said Circuit Court of Lamar county, the defendant may appeal to the Supreme Court of the State.

Public act

Sec. 9. Be it further enacted, That this act is declared to be a public act, and may be read in evidence in all Courts of law or equity, and all ordinances, resolutions or proceedings of the town council, may be proved by the seal of the corporation, attested by the town clerk, and when printed and purported to be published by the authorities of the corporation, the same shall be received in evidence in all Courts and places without further proof.

Police

Sec. 10. Be it further enacted, That the several members of the police force shall have authority to immediately arrest, without warrant, and to

take into custody any person who shall commit or attempt to commit in the presence or in his view, or if he shall have good reason to believe that any person has committed any breach of the peace or public offense prohibited by the laws of Alabama or any ordinance of the town council, and such policemen shall upon such arrest, unless bond be given, deliver such offender to the keeper of the town guard house, that he may be dealt with according to the law by the mayor's Court at the next sitting, and the officer shall without delay, report the arrest and cause thereof to his superior officer.

Sec. 11. Be it further enacted, That every person committed to the work house or to work on the streets shall be required to work at such labors as his health and strength will permit within or without said town not exceeding ten hours a day, and for such work the person shall be allowed, exclusive of his board, one dollar per day, until the whole is discharged. No person shall be compelled to work longer than ninety days for any offense.

Persons committed

Sec. 12. Be it further enacted, That the mayor shall be the chief executive of the town and perform all such duties as are or may be prescribed by the by-laws and ordinances of said town, and shall take care that the laws and ordinances are faithfully executed. 2. That the mayor shall from time to time lay before the board a full statement of the condition of affairs of the town, and shall recommend such measures as he may deem expedient. 3. The mayor shall have the power at all times to examine and inspect the books, records and papers of any employee, agent, or officer of the town of Vernon, and shall have jurisdiction and power to try any violation of the laws and by-laws and ordinances of the town, and shall have jurisdiction concurrently with the county and Circuit Courts of all misdemeanors known to the laws of the State committed within the corporate limits. 4. The mayor shall be police magistrate of said town and shall impose the penalties prescribed by the ordinances as by this act, for the violations of the ordi-

Duties of mayor

nances and by-laws of the town: Provided, That in no case shall the fine exceed \$100, or hard labor for not more than ninety days. 5. He shall have power to remit all fines and costs. 6. He shall have the power to remove the clerk, marshal, or any police, or other officer of the town, elected by the board, whenever he deems there is good and sufficient reason therefor. But he must file in writing a statement with the board not more than five days after the removal, giving his reasons for so doing, and on his failure to so file said statement with the clerk of the board, or if the board by two-thirds vote, to be entered upon the record, shall disapprove of such removal, the officer so removed shall be reinstated in office. 7. He shall have power to punish for contempt of Court by fine not exceeding twenty-five dollars and imprisonment not exceeding twenty-four hours, one or both. 8. He shall have power to issue all writs necessary for the collection of fines, costs, or other matters of judgment rendered by said mayor.

Authority of
mayor and
councilmen

Sec. 13. Be it further enacted, That the mayor and councilmen are hereby invested with full authority to establish and maintain a quarantine and to make such rules and regulations as may be necessary to prevent the introduction or spread of contagious or infectious diseases, and to effect that purpose may appoint such guards and superintendents as may be deemed necessary; and shall also have power to establish hospitals for persons affected with contagious or infectious diseases, and the costs of such quarantine and the establishment of such hospitals as aforesaid must be paid by said corporation.

Present laws

Sec. 14. Be it further enacted, That the laws and ordinances now in force in said town of Vernon, not inconsistent with the provisions of this act, shall remain and continue to be of full force until repealed by the mayor and councilmen.

Style of
ordinances

Sec. 15. Be it further enacted, That the style of all the ordinances of said town shall be, "Be it ordained by the mayor and board of aldermen of the town of Vernon." 2. All ordinances and their

publication may be proven by the certificate of the clerk of the board over his signature. 3. All actions in the nature of prosecutions for the violation of the town ordinance to recover any fine or to enforce any penalty under any by-law or ordinance of said town shall be brought in the name of the town of Vernon as plaintiff; all fines and forfeitures for the violation of any of the ordinances of said town, and all money collected for license shall be paid into the town treasury of said corporation at such time and in such manner as the board may direct.

Sec. 16. Be it further enacted, That the provisions of this act shall go into effect immediately after its passage; and all the rights, power and authority herein granted are hereby vested in the present mayor and councilmen of the town of Vernon, who are hereby declared a board of councilmen of said town, and who shall exercise the rights and privileges and powers herein granted, and to perform all duties as set forth until their successors are elected and qualified.

When act
goes into
effect

Sec. 17. Be it further enacted, That the treasurer and tax collector of said town shall give bond respectively in such sums as may be fixed by the mayor and aldermen by an ordinance entered at a regular or special session of the board on the books of minutes of said board; said bond to be approved by the mayor.

Bonds

Sec. 18. Be it further enacted, That all laws in conflict with this act be, and the same are hereby

Repeal

Approved February 2d, 1899.

No. 249)

AN ACT

(H. 612

To prohibit the sale of spirituous, and other intoxicating liquors near Goshen Baptist Church, in Pike county.

Section 1. Be it enacted by the General Assembly of Alabama, That the sale of spirituous, vinous, or

Prohibition malt liquors or intoxicating drinks be, and the same are hereby prohibited within the following limits of Goshen Baptist church, in Pike county, to wit: Within two miles on the north, east and south of said church, and to the county line on the west side of said church. Any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be punished by a fine not less than twenty-five dollars and not exceeding two hundred dollars.

Penalty

Approved February 2d, 1899.

No. 250)

AN ACT

(H. 18

For the relief of C. M. Malone, special coroner of Franklin county, for the removal of a prisoner from Colbert county, Alabama, to the jail in Franklin county.

Appropriation Section 1. Be it enacted by the General Assembly of Alabama, That an appropriation of eleven and 70-100 dollars be, and the same is hereby made for the relief of C. M. Malone, who was special coroner of Franklin county, for the removal of a prisoner from Colbert county to the jail in Franklin county, in November, 1896.

Warrant Sec. 2. Be it further enacted, That the amount named in the foregoing section shall be paid out of any funds in the treasury not otherwise appropriated, and that the State auditor be, and he is authorized to draw his warrant on the treasurer for the amount named in section 1 of this act.

Approved February 2d, 1899.

No. 251)

AN ACT

(H. 222)

To provide for the appointment of one Township Trustee in each township of the counties of Washington, Choctaw and Monroe, instead of three, as now required by law.

Section 1. Be it enacted by the General Assembly of Alabama, That whereas the law now provides for the appointment of three township trustees in each township, when the term for which the present incumbents were appointed shall have expired, it shall be the duty of the county superintendents of the counties of Washington, Choctaw and Monroe to appoint one, and only one township trustee for each township in said counties of Washington, Choctaw and Monroe.

One trustee
for each
township

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Repeal

Approved February 2d, 1899.

No. 252)

AN ACT

(H. 334)

To authorize and empower the Court of County Commissioners of Jefferson county to improve the channel of the stream, or water course, in said county, known as Valley Creek, and to appropriate money from the general fund in the county treasury therefor, and to perform other acts pertaining thereto.

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners of Jefferson county be, and is hereby authorized and empowered to adopt means for the improvement of the channel of the the stream, or water course, in said county known as Valley Creek, and to that end may do and perform the acts and exercise the powers hereinafter enumerated.

Authority of
county
commis-
sioners

Appropriations by
county

Sec. 2. Be it further enacted, That said Court may appropriate annually from the general fund in the county treasury such sum or sums of money as in its judgment are necessary, and that the condition of said treasury will permit, and expend the same in improving the channel of said stream, by dredging and cleaning it out, removing logs, rafts, driftwood and water gaps therefrom and removing and preventing any and all other obstructions to the easy and regular flow of said stream.

May straight-
en channel

Sec. 3. Be it further enacted, That said Court may have the channel of said stream straightened where it can be economically done, and in doing so may purchase the necessary strips of land therefor, and in case of not being able to purchase said strips of land at a fair and reasonable price, may institute ad quod damnum proceeding in the name of said Court for the use of the county, and such proceedings shall be the same as are now provided by law in chapter 42, Code of 1896, for the condemnation of lands for public uses.

May purchase
and remove
drains

Sec. 4. Be it further enacted, That said Court may also purchase and remove any dams for water mills, gins, or factories, now erected in or across said stream; and in case of a disagreement as to the value thereof may have the same condemned for public uses in the manner provided in the preceding section.

Repeal

Sec. 5. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 2d, 1899.

No. 253)

AN ACT

(H. 421)

To authorize the mayor and aldermen of the City of Tuscumbia, Alabama, to issue bonds of said city for an amount not exceeding \$26,000, for the purpose of redeeming the bonds of said city, issued under an act of the Legislature of Alabama, approved December 12th, 1888, and for draining, grading, macadamizing and improving the streets of said city.

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and aldermen of the City of Tuscumbia, in Colbert county, State of Alabama, be, and they are hereby, authorized and empowered to issue bonds of said City of Tuscumbia, to an amount not exceeding \$26,000, or so much thereof as the said board may deem necessary for the purpose hereinafter named; to be issued in such form and manner as the mayor and aldermen may direct, in sums of not less than \$500 nor more than \$1,000, payable twenty years from date of issuance, at some bank or banking house in the City of New York, or at the office of the treasurer of said city, or at such other place as may be chosen by said city; said bonds shall be exempt from county and municipal taxation.

May issue
bonds

Sec. 2. Be it further enacted, That said bonds shall be made payable in gold coin of the United States, of the present standard of value, and shall bear an annual interest of not more than six per cent, payable semi-annually, and that interest coupons shall be attached to said bonds, and numbered to correspond with said bonds, setting forth the amount of interest, when due, and where payable.

Payable in
gold

Sec. 3. Be it further enacted, That the bonds and coupons issued under this act must be signed by the mayor of said city, and countersigned by the treasurer of said city, and must be numbered according to the order in which they are issued, and the seal of the city shall be affixed thereto.

Duties of
mayor and
treasurer

The said mayor and treasurer are each required to keep a correct record of all bonds issued under this act; and said bonds shall be sold for not less than their face value.

Authority of
mayor and
aldermen

Sec. 4. Be it further enacted, That the said board of mayor and aldermen of the City of Tusculumbia are hereby authorized and empowered to do any and all things that may be necessary to carry out the powers hereby granted, either through themselves or by an agent, or agents, duly authorized and appointed by them for that purpose at any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, neglect or omission in the proceedings or record of said board shall in anywise vitiate or annul said bonds or coupons issued under this act, or any rights of the purchasers of the same; but said bonds and coupons shall have all the properties and protection of commercial paper, and shall be receivable for all dues of said city, and for all taxes levied for use thereof after the maturity of said bonds and coupons, except such taxes as may be specially set aside for school purposes.

Sinking fund

Sec. 5. Be it further enacted, That to meet the interest and principal at maturity upon any and all of the bonds issued under authority of this act, the board of mayor and aldermen of said city shall, and it is hereby made their duty to, set apart, out of the general revenues of said city each year, an amount as a sinking fund, to meet and pay off the principal and interest of said bonds at maturity, and retain the same.

Use of
proceeds

Sec. 6. Be it further enacted, That said mayor and aldermen are hereby authorized to sell said bonds issued under the provisions of this act, and apply the proceeds thereof in paying off and redeeming the bonds now outstanding against said city, and to do any and all things that may be necessary in redeeming and canceling the bonds now outstanding against the said city, with the proceeds arising from the sale of the bonds issued under this act.

Sec. 7. Be it further enacted, That the money realized from the sale of the bonds to be issued under this act, not necessary to the redemption and cancellation of the bonds now outstanding against said city, shall be used in draining, grading, and macadamizing the streets of said City of Tus-cumbia. Use of surplus

Sec. 8. Be it further enacted, That the money arising from the sale of the bonds issued under this act, be paid directly into the hands of the treasurer of said city, unless the bonds issued under this act are exchanged for the bonds now outstanding; but before said treasurer receives any of said money, he shall be required by said board of mayor and aldermen to make a bond, payable to said city, for the faithful discharge of his duties, in an amount equal to twice the amount of money that will come into his hands at any time; and if the treasurer of said city shall refuse or fail to make said bond, then the board of mayor and aldermen shall remove him from his office, and select another who will give the required bond, said bond to be approved by the mayor, and filed and recorded by the secretary of said board of mayor and aldermen on the records of said city, and kept and preserved by the secretary; and a copy of said bond shall be certified by the mayor of said city, and recorded in the office of the judge of probate of Colbert county; and a certified copy from such record shall be received as evidence in any suit on said bond. Duties of treasurer

Sec. 9. Be it further enacted, That the bonds herein provided for, shall have priority over those hereafter issued, and it shall be the duty of said board of mayor and aldermen of the City of Tus-cumbia to provide for the payment of the principal and interest of said bonds before providing for the payment of bonds which may hereafter be issued by said board of mayor and aldermen of Tus-cumbia. Priority

Sec. 10. Be it further enacted, That this act shall go into effect and become a law on its passage. When act goes into effect

Repeal

Sec. 11. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved February 2nd, 1899.

No. 254)

AN ACT

(H. 489

To incorporate the North Montgomery Methodist Protestant Church.

Incorporators

Name and
style

Rights

Section 1. Be it enacted by the General Assembly of Alabama, That E. J. Benton, W. H. Schoolcraft, W. P. Wallace, W. S. Hearn, E. W. Bray, C. V. Oliver, R. Cunningham and D. M. Benton, elder, trustees and members of the North Montgomery Methodist Protestant Church and their successors in office, be, and they are hereby made and constituted a body corporate under the name and style of the North Montgomery Methodist Protestant Church, and as such, and by such name or such other name as they may adopt, shall have perpetual succession, may sue and be sued, plead and be impleaded, and may have and use a seal, and change the same at pleasure, and may contract and be contracted with, buy, sell, hold, convey or otherwise dispose of real and personal property and borrow money, and may have and exercise all such powers and privileges as are usually had and exercised by corporations of like character.

Trustees

Powers

Sec. 2. Be it further enacted, That said E. J. Benton, W. H. Schoolcraft, W. P. Wallace, W. S. Hearn, E. W. Bray, C. V. Oliver, R. Cunningham, and D. M. Benton, are hereby declared to be the trustees of said corporation, and are hereby confirmed in office as such, and are empowered to hold office until their successors are elected and qualified, and as such officers shall have and exercise the powers vested in them by the rules of said church, and shall have and exercise such other powers and duties as may be vested in them by

this charter or by any rules, regulations or by-laws adopted by such corporation under authority of this charter.

Sec. 3. Be it further enacted, That said corporation shall have the right and power to make and adopt such by-laws, rules and regulations as may be necessary for the exercise of the powers herein granted not inconsistent with the laws of the State or the provisions of this charter.

By-laws, rules
and regula-
tions

Approved February 2nd, 1899.

No. 255)

AN ACT

(H. 585

To amend Sections 9, 10, 17, 25 and 26 of an act to establish a new charter for the City of Talladega, approved December 9, 1896.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 9 of the above act be amended so as to read as follows, to-wit: That the mayor of Talladega is authorized each year before the first day of October to make out, or cause to be made out, a complete book of assessment of the taxable property in such city and the amount of the city taxes and such assessment shall be taken from the assessment made of the State and county taxes for the preceding year, and such mayor or the city tax assessor is hereby authorized and empowered to assess any property which may have escaped assessment and not included in the assessment as made out taken from the tax assessor's book of Talladega county for the preceding year or any property which has come into the city and becomes liable for taxation since the assessment was made by the county tax assessor, such mayor and tax assessor being authorized and empowered to include in such list or upon such book of property liable to taxation in such city, whether shown by the county tax assessor's book, for Talladega county for the preceding year or not, and that in making the

Section 9
amended

Taxes

Taxes

assessment of such taxes not included on the tax assessor's book of Talladega county, such property shall be assessed for its reasonable cash value, and any person dissatisfied with the assessment of his property, when made in such manner, may appear before the mayor and board of aldermen, and have the same reduced or remitted at the next meeting after such assessment is made. That all taxes levied and assessed in and for this city shall become due and payable on the first day of October of each year and shall be delinquent if not paid by the first day of January, and shall bear 8 per cent interest thereafter until paid, and that the City of Talladega shall have a lien paramount to all other liens except a lien of the State for taxes upon each and every piece, tract, lot or parcel of property, real or personal for the payment of the taxes which may be levied against the owner, or upon such property within the corporate limits of said city for the use of said city of Talladega. After the first day of January of each year the tax collector or marshal or any person acting as city tax collector, may proceed without delay to levy upon any personal property of delinquent tax payers for the payment of their taxes, and after having given ten days notice of the time and place of said sale, with a description of the property to be sold by posting the same, in front of the city hall of Talladega, they must sell the same or so much thereof as may be necessary to satisfy the tax, fees and expenses of sale, including expenses of keeping the property and moving the same to the place of sale in front of the court house thereof in said county. For making such sale the collector shall charge a fee of one dollar, to be collected out of the property. But such tax payer may at any time before the sale, pay the tax, fees and expenses, including the collector's fee for the sale as if it is made, and thereby discharge the levy, and the proceeds of the sale of such personal property shall be applied to the payment of the expenses of the sale, payment of the taxes and fees due by the taxpayer and the balance returned to the owner of the property, and

no property, whether exempt by law from taxes or not, shall be exempt from levy and sale for the payment of taxes and all lawful charges incurred in assessing and collecting the same. In case there is no personal property or insufficient amount to make the taxes due to the City of Talladega, then the mayor of Talladega is hereby authorized and empowered to order a sale of any real estate in which a tax has been levied or against the owner thereof for the use of the City of Talladega and upon the non-payment of the tax, the mayor of Talladega is hereby authorized to publish for ten days in some newspaper published in the City of Talladega, a notice in substance as follows : "This is to notify you to appear before me at my office in Talladega, Alabama, on the — day of — 189—, then and there to show cause if any you have, why a decree of sale shall not be made for the sale of the following property: (Here insert description) for the payment of taxes levied against you or said property, for the use of the City of Talladega. _____, Mayor of Talladega." And such notice so given shall confer jurisdiction upon said mayor of Talladega, both of the person and of the subject matter, to condemn the property therein described or any part thereof, to the satisfaction of said taxes, and to order a sale thereof to satisfy the same; upon the perfection of such notice before the day set for hearing the cause shall be docketed by the said mayor in the manner usual in docketing causes for trial in the Circuit Court, and upon the day set, said cause shall be duly called, and if no defense is interposed, or if interposed is upon trial adjudged insufficient in law, or is not sustained by the evidence adduced, the mayor shall make and enter on such docket a decree substantially as follows: "It appearing to the Court that taxes have been levied against the person mentioned in this cause (or if the levy is to an unknown owner that taxes have been levied on the property mentioned in this cause) to the amount of — dollars for the year 189— for the use of the City of Talladega, and that the same are still due

Taxes

and unpaid; and it further appearing that notice of this proceeding has been given as required by law for ten days by publication in — a newspaper published in Talladega, and no valid defense has been interposed against the sale of said property for the payment of said taxes: It is therefore ordered, decreed and declared by the Court, that the City of Talladega has a lien for the payment of said amount, and for the additional sum of — dollars, fees, charges and costs in this behalf lawfully incurred, on the following described property (here set out description). It is further ordered, adjudged and decreed by the Court that said property, or so much thereof as may be necessary, be sold for the payment of said delinquent taxes and fees, charges and costs and of the expenses of such sale, and thereupon the tax collector of said City of Talladega must advertise the sale of said property for ten days by posting notice thereof at the Court house door and the city building of Talladega; and if such taxes, fees and costs are not fully paid by the day of sale, the said tax collector must sell said property, within the city limits of Talladega, within the legal hours of sale, for cash, to the highest bidder, or so much thereof as necessary to pay all costs, taxes and fees, and upon such sale, the mayor of Talladega must execute a deed to the purchaser in the name of the mayor and aldermen of Talladega, and have same attested by the city clerks of Talladega, which deed shall be prima facie evidence of all facts therein recited; and when the sale of any property sold for taxes is invalid, or for any cause ineffectual to pass the title to the purchaser, such sale shall operate as an assignment to the purchaser of the rights and liens of the City of Talladega in and to the property sold: Provided, If any suit brought by the purchaser or other person claiming under him to recover the possession of lands sold for taxes, a recovery is defeated on the ground that such sale was invalid for any other reason than that the taxes had been previously paid, the Court shall forthwith impanel a jury to ascertain the amount

of taxes, fees and charges for which the lands were liable at the time of the sale, and the amount of taxes, if any, which has been paid subsequent to such purchaser, with interest thereon at the rate of 18 per cent. since the same was paid; and the Court shall thereupon render judgment against the defendant in favor of the plaintiff for the amount ascertained by the jury, and the costs of the suit, which judgment shall constitute a lien on the lands sued for, and payment thereof may be enforced as in other cases either by levy and sale of said lands or by levy upon other property of the defendant; provided further, that no sale for the non-payment of taxes levied for the use of the City of Talladega, shall be ineffectual to pass the title to the purchaser on account of the same being levied as belonging to any other person than the owner, or as the property of an unknown owner, or on account of any informality or irregularity in any of the proceedings of assessment levy of taxes, decree of sale, or in the sale of the property or any other defect whatsoever, unless the person impeaching the sale either shows said taxes were paid prior to the sale of such property or that the mayor had not acquired jurisdiction of the person and of the subject matter involved by failure to publish said notice required by this act, it being the purpose of this act to validate every tax sale herein provided for, where the taxes were due at the time of the sale of the property involved, and the said mayor of Talladega had acquired jurisdiction of the subject matter by publication of the notice herein prescribed; provided, further, if at such sale there are no bidders for such property offered to be sold for non-payment of taxes, who bid the amount of the taxes, dues and charges thereon, then the mayor of Talladega is authorized to bid in such property for the use of the City of Talladega.

Taxes

Sec. 2. Be it further enacted, That Section 10 of such act be amended so as to read as follows: That any person having an interest in any real property sold under the provisions of the foregoing

Section 10
amended

Right to
redeem

section, can redeem the same by paying all costs, expenses of the sale and interest at the rate of 18 per cent. per annum upon all taxes, and also the taxes due upon the same, or on which the property became liable and paid during the time the same was held by the purchaser, either State, county or city, but such redemption must be made within two years from the date of said sale. That for all street taxes or license due by any owner of property in the City of Talladega, the city shall have a lien upon all property owned by the person from which taxes is due, and can enforce the same in the same manner as for any other taxes due and as provided by the foregoing section, provided further, nothing in this section shall be construed to mean that there is any waiver on the part of the city, or any repeal of any provisions or power given the city for enforcing such taxes, whenever the mayor or the city tax collector shall ascertain or learn of any person who is about to leave the City of Talladega, or to remove any property subject to taxation without paying all city taxes, whether such taxes are due or not, the tax collector shall at once proceed to collect such taxes by attachment or garnishment, he being authorized to sue out an attachment or garnishment in the same manner as in cases at law before any officer authorized to issue such attachment of garnishment, or before the mayor of the City of Talladega, it being provided, further, that the city will not be required to give any bond in attachments or garnishments sued and that the proceeding to condemn such property and sell the same shall be conducted in the same manner as suits of like character are conducted in Courts of law; provided further, that the city tax collector or mayor, is authorized also to issue garnishments in the same manner in order to assist in the collection of any taxes which are delinquent, and said city is hereby exempt from making any bond in order to authorize such issuance and such attachments or garnishments shall be conducted in the same manner as garnishments issued to collect

Collection of
taxes

taxes where parties are about to remove their property from the city, or to leave the city before all the city taxes are paid.

Sec. 3. Be it further enacted, That Section 17 of such act be amended so as to read as follows, to-wit: Said mayor is authorized and empowered to fine any person convicted by him for any breach of Penal Code of city any sum not exceeding \$100.00 and such fine shall be payable in money alone, or may imprison such person so convicted in the city prison for not more than sixty days, or to do hard labor for the city not exceeding sixty days, or may impose all of such penalties, or any part of the same, upon the defendant, and may also impose the cost of trial in addition such punishment, and may require the defendant, upon failure to pay any fine or cost, to work at hard labor for the city not exceeding sixty days. It shall be the mayor's duty to preside and keep order at the meeting of the board. He shall call special meetings of the board whenever in his opinion the interest of the city require; he shall keep his office in said city, and hear and determine all cases of violations of all by-laws or ordinances or charter of said city, and punish the offender in such manner as the board may direct; he shall receive such fees and salary as the board may prescribe, and he shall possess within the corporate limits of said city all the power and jurisdiction of a justice of the peace in both civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace: Provided, That he shall not be required to take jurisdiction of, try or determine any cause, civil or criminal, as ex-officio justice of the peace, that has not come before him as mayor of said city. From any judgment or decision of the mayor as such, an appeal may be taken by the defendant to the City Court of Talladega; provided such City Court is in existence, otherwise to the next term of the Circuit Court of Talladega county, upon the defendant entering into bond with good and sufficient sureties for such sum as the mayor may prescribe; provided, that such bond shall not

Section 17
amended

Powers and
duties of
mayor

Powers and
duties of
mayor

be less than twice the amount of the fine and cost, such a bond to be conditioned that the defendant appear at the term of Court at which such appeal is taken and from term to term thereafter until discharged by law, to abide by and perform whatever sentence may be adjudged against him, and to pay all costs, both in the Mayor's Court and in such trial Court, and to pay such fines as may be adjudged against him in favor of the city by the Appellate Court, such bond being payable to the mayor and aldermen of Talladega, and the same to be approved by the mayor, and upon an appeal such case shall be placed upon the criminal side of the docket, to which Court the case is appealed, such Appellate Court shall hear such case, without a jury at the first call of such non-jury docket, if not continued by the presiding judge, and unless the defendant demands a trial by jury at the time such appeal is taken, and upon the trial in such Appellate Court if the defendant be convicted the Court or jury trying the case may impose fine or imprisonment, one or both, just as the mayor would have done under the ordinance of the city on a trial before him. And if the defendant is convicted all the costs in such case shall be adjudged against him and he shall be sentenced upon the failure to pay the same, by the Court in the same manner as he could have been sentenced by the mayor originally trying him, and if the fine and costs be not paid, or if imprisonment be imposed, the defendant shall be remanded to the city prison and there remain until discharged as provided by ordinance of said city upon conviction by the mayor, provided that the bond taken upon such an appeal and the sureties thereon are liable for all costs and fines imposed on the defendant by such Appellate Court, and upon failure of the defendant to pay the same within ten days after conviction, such bond shall be declared forfeited by the sheriff of Talladega county and returned to the clerk of the Court and an execution must be issued by such clerk for the full amount of the fines and costs, if not greater than the penalty, if

greater, for the full amount of his bond. In case the defendant does not appear at the trial, but makes default, his bond shall be fortified and a judgment shall be rendered against him and his sureties as in State cases, except that the judgment shall be in favor of the mayor and aldermen of Talladega: Provided, That such appeal be taken and fully perfected within five days from the rendition of such judgment by the mayor, and the case shall be tried de novo, and the fact that the case was tried before the mayor without any warrant of arrest issued and formal complaint in writing made, shall be no ground for rendering judgment in favor of the defendant or for dismissing such appeal if the papers and transcript sent up on such appeal show that the mayor, before entering upon such trial before him, required some one cognizant of the facts in the case, to make an affidavit in writing, that he has probable cause for believing, and does believe, that an offense (designating the offense by name, or some other phrase which, in common parlance, designates it) has been committed within the jurisdiction of said City of Talladega by C. D. (naming the offender) on the person (or as the case may be) of A. B. (naming the person injured), in violation ordinance number — of the City of Talladega, and that thereupon the person charged with such offense was arraigned by the mayor, and on hearing the evidence the Court was satisfied of the guilt of the defendant. The mayor shall have jurisdiction of all proceedings by motion, scire facias, or other writ instituted for the collection of any fund or bond payable to the mayor and aldermen of Talladega and from his judgment rendered in such proceedings, execution may issue and be enforced as executions from Justice Court. Said mayor is hereby authorized, when the safety of the city so requires, to call upon the sheriff of Talladega county and all citizens of said city for the protection of said city. He may punish any contempt while holding his Court or while the board is in session, one or both, the fine not to exceed twenty-five dollars and imprisonment for

Powers and
duties of
mayor

thirty days. He shall have general supervision of the city's affairs and shall quarterly make written reports to the board of mayor and aldermen and make such recommendations as he deems wise.

Section 25
amended

Sec. 4. Be it further enacted, That Section 25 of such act be amended so as to read as follows: That any election held under this act may be contested in the same manner as is, or may be, provided for by the laws of this State for the contest of the election of the judge of probate in said State, and all provisions in such law in relation to contesting the election of the probate judge shall, as far as the same are or may be applicably applied to contesting any election held under this act.

Contest

Section 26
amended

Sec. 5. Be it further enacted, That Section 26 of such act be amended so as to read as follows: That on the second Tuesday in April, 1897, and on the second Tuesday in April every two years thereafter, there shall be elected by the qualified voters of said city, in the manner hereinafter provided, a mayor and eight aldermen. The polls for such election shall be opened between the hours of eight and nine a. m., and kept open until five p. m. The term of office of the mayor and aldermen shall commence at the expiration of the term of the present incumbents, and shall continue for a term of two years and until their successors are elected and qualified. If the mayor or any of the aldermen during his term of office, and after being qualified shall die, resign or remove from the corporation or refuse to act, or be personally disqualified to act, the remaining members of the board shall by ballot, and at a regular meeting or a special call meeting, elect in his stead, another mayor or alderman, who shall have all the qualifications prescribed in this act and who shall continue in office during the remainder of the term and until his successor is elected and qualified. And any person elected mayor or alderman by the qualified voters of the city at any election of this act refusing to be qualified, the remaining members of the board of mayor and aldermen shall elect a successor in the same manner as if the vacancy

Elections

had occurred after having qualified. In case of vacancy in the office of the mayor, any three remaining members of the board of mayor and aldermen shall have authority to call a special meeting for the purpose of electing his successor by giving notice to the remaining members of the board.

Sec. 6. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed: Repeal Provided, That all ordinances of the City of Talladega, in force at the date of this act, which are not in conflict therewith, are to be considered in full force and effect until altered, amended or repealed by the mayor and aldermen of Talladega. Proviso

Approved February 2nd, 1899.

No. 256)

AN ACT

(H. 515)

To amend the charter of the Alabama Brewing Company, a body corporate under the general Statutes of the State of Alabama, and having its principal place of business in the City of Birmingham.

Section 1. Be it enacted by the General Assembly of Alabama, That the Alabama Brewing Company, a body corporate organized under the general statutes of the State of Alabama, and having its principal place of business in the City of Birmingham, in addition to the powers now possessed by it, shall have the power and authority to loan money, and also to advance money to its customers, at a rate of interest not exceeding eight per centum per annum, and to take security therefor. Additional powers

Sec. 2. Be it further enacted, That meetings of the stockholders and directors of said corporation may be held outside of the State of Alabama, and at such place outside of said State as may be designated by the resolution or by-laws of such corporation, adopted at any meeting of the stockholders. That copies of all resolutions, by-laws, and acts Meeting of stockholders and directors

of the stockholders and directors of said corporation, adopted at any meeting held outside of the State, duly certified by the secretary, shall be filed in the office of said corporation at its principal place of business in this State, and in all cases said copies, so certified and filed, shall have the same force and effect as the original. That upon giving ten days notice of the time and place of such meeting by publication once a week for two successive weeks, in some newspaper published in the City of Birmingham, in this State, the stockholders of said corporation may meet in the City of New Orleans, in the State of Louisiana, for the purpose of adopting an appropriate resolution or by-law authorizing thereafter meetings of the stockholders and directors outside of the State of Alabama.

Approved February 2nd, 1899.

No. 257)

AN ACT

(H. 575

To refund taxes paid to the State by persons holding a bona fide claim to property held and claimed by another, who has also paid taxes thereon.

When taxes to
be refunded

Section 1. Be it enacted by the General Assembly of Alabama, That whenever two or more persons lay claim to the same property, and pay taxes thereon, and when the title to said property has been perfected, it shall be the duty of the probate judge, upon due notice and proof of the taxes having been paid in good faith, to issue to the party losing the title to the property a certificate showing that the taxes have been paid and is entitled to a refund thereof: Provided, However, That no certificate shall be issued for taxes so paid for a longer term than five years.

Applies only
to Clarke
county

Sec. 2. Be it further enacted, That the provisions of this act shall only apply to Clarke county.

Approved February 8th, 1899.

No. 258)

AN ACT

(H. 610)

To prevent stock from running at large in part of
Beat 4, in Calhoun County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for stock to run at large in that part of Beat 4 in Calhoun county not included in stock law district. Said territory bounded as follows, viz: Beginning at northwest corner of Beat 4, at county line; thence north on beat line one mile to stock law district; thence south one and a half miles; thence along stock law line one mile to county line; thence north along said line to starting point.

Sec. 2. Be it further enacted, That said described territory shall be governed by the laws governing stock law districts in Calhoun county, Alabama.

Approved February 3rd, 1899.

No. 259)

AN ACT

(H. 611)

To prohibit the sale, giving away, bartering, delivering or exchanging vinous, spirituous or malt liquors or intoxicating bitters, beverages or drinks in certain portions of Chambers County.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person to sell, give away, deliver, barter or exchange vinous, spirituous or malt liquors or intoxicating bitters in any part of Chambers county; except in the Town of Lanett and in the Town of La Fayette; in the two towns excepted such liquors, bitters, beverages and drinks may be sold under the restrictions now provided by law applicable to those towns.

Sec. 2. Be it further enacted, That any person who violates the first section of this act shall be

deemed guilty of a misdemeanor and on conviction may be punished by a fine not less than twenty-five nor more than two hundred dollars.

Approved February 3rd, 1899.

No. 260)

AN ACT

(H. 647

To authorize and empower the Mayor and Council of the Town of Union Springs to impose a license upon certain businesses and vocations specified in this act, carried on, or conducted within the corporate limits of said town.

License

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the Town of Union Springs are hereby authorized and empowered to levy and collect a license or privilege tax upon the businesses and vocations hereinbelow named, conducted or carried on within the corporate limits of said town as follows: Auctioneers, non-resident and resident, barber shops, banks and bank agents, dealers in exchange, commission merchants and brokers, whether by sample or otherwise, lawyers, doctors, dentists, druggists, apothecaries, hotels, restaurants, boarding houses, life, accident and fire insurance company agents, and companies, itinerant traders, either by sample or otherwise, dealers in fish, dealers in oysters, transient physicians, transient dentists, transient vendors of pictures, paintings or patent medicines, and the like, clairvoyants, fortune tellers, undertakers, keepers of studs, jacks or bulls, telegraph companies, public warehouses, dealers in commercial fertilizers, cotton buyers, watch makers, or repairers, jewelers, bakers, tinshops, printing offices, coal or wood yards, brick yards, dancing masters, skating rinks, ice cream saloons, real estate agents, telephone companies or exchanges, plumbers and gas fitters, ice factories, lightning rod agents or companies, street drummers, express companies, planing mills, steam ginneries, railroad companies,

grist mills, blacksmiths, woodworkmen, and work shops, variety works, coal and wood dealers, dealers in lumber, dealers in brick, drummers or commercial agents selling to customers, dealers in tobacco or cigars, whether principal stock in trade or not, dealers in cigarettes, whether principal stock in trade or not, news dealers, fruit stands, green grocers, architects, contractors or superintendents of buildings and builders, confectioneries dealers in fire works, pyrotechnics, boot blacks, dealers in pistol cartridges or rifle cartridges, or in playing cards, dealers in pistols, job printing offices, railroad ticket brokers or scalpers, loan association companies, candy manufacturers, buggy, wagon or carriage manufacturers or repair shops, laundries, dealers in oil, and agents for oil companies, persons running cotton presses or compresses, drummers or runners for restaurants, boarding houses or hotels, dealers in sash, doors or blinds, agents for variety works, persons engaged in making abstracts of title, junk dealers, dealers in hides, tan yards, drovers and dealers in horses and mules, tailors, building and loan associations, agents of building and loan associations, merchant tailors, organ grinders or strolling hand music, theatricals, operas, or other troops acting or performing in the city, dealers in ice, dancing houses or halls, public halls, book agents, monkey shows, flying jenny and merry go-rounds, and devices of like character, ten pin alleys, bowling alleys, transient jewelers, jewelry repair shops, guarantee companies and agents for guarantee companies, dealers in musical instruments, soda water fountains, fruit tree agents, transient dealers in all kinds of commodities.

License

Sec. 2. Be it further enacted, That the mayor and council of the said town are authorized and empowered to provide penalties for the doing of any business herein specified without a license, when such license is required, and to enforce the same in any manner, by ordinance, not contrary to the Constitution and laws of the State of Alabama.

Penalties

Repeal

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 3rd, 1899.

No. 261)

AN ACT

(H. 669)

To declare Charles A. E. Heyne, a liner of the County of Clay, a citizen of the County of Talladega.

Citizen of
Talladega
county

Section 1. Be it enacted by the General Assembly of Alabama, That Charles A. E. Heyne, now a citizen of Clay county, and a liner, be, and he is hereby declared to be a citizen of Talladega county: Provided, That all taxes upon real property belonging to said Charles A. E. Heyne shall be assessed and collected by the assessors and collectors of the counties wherein said property lies respectively.

Approved February 3rd, 1899.

No. 262)

AN ACT

(H. 684)

To better preserve game, animals, and birds in Sumter County.

To protect

game

Section 1. Be it enacted by the General Assembly of Alabama, That it shall not be lawful for any person to catch or kill any partridge or squirrel for the purpose of selling the same, and any person violating this act is guilty of a misdemeanor and shall be fined not less than ten nor more than twenty dollars, and may also be imprisoned to hard labor for the county for not less than ten nor more than twenty days and any Court of competent jurisdiction to try misdemeanors, has jurisdiction in this case.

Approved February 3rd, 1899.

No. 263)

AN ACT

(H. 674

To amend the charter of the Georgia and Alabama Railway, a consolidated corporation now existing, chartered and consolidated under the laws of the States of Georgia and Alabama, so as to change the location of the principal office of said corporation from the City of Americus, in Sumter County, Georgia, to the City of Savannah, in Chatham County, Georgia.

Section 1. Be it enacted by the General Assembly of Alabama, That the charter of the Georgia and Alabama Railway, a consolidated corporation now existing, chartered and consolidated under the laws of the States of Georgia and Alabama, be, and the same is hereby amended by changing the principal office of said corporation from the City of Americus, in Sumter county, Georgia, to the City of Savannah, in Chatham county, Georgia.

Location of
principal
office
changed

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

Repeal

Approved February 3rd, 1899.

No. 264)

AN ACT

(H. 503

To increase the ex-officio fees of the Sheriff of Washington County from \$250 to \$400 per annum.

Section 1. Be it enacted by the General Assembly of Alabama. That the ex-officio fees of the sheriff of Washington county be, and they are hereby increased from \$250 to \$400 per annum .

Sheriff fees

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Repeal

Approved February 3rd, 1899.

No. 265)

AN ACT

(H. 723)

To repeal an act entitled An act to establish, open, improve, work and keep in good condition the public roads in Autauga County.

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "An act to establish, improve, work and keep in good condition the public roads in Autauga county, Alabama," approved February 17th, 1897, be, and the same is hereby repealed.

Approved February 3rd, 1899.

No. 266)

AN ACT

(H. 724)

To authorize the Board of Revenue or Commissioners Court of Autauga County, Alabama, to expend a part of the revenues and all surplus revenues of said county for the improvement and betterment of the public roads of said county.

public roads

Section 1. Be it enacted by the General Assembly of Alabama, That the board of revenue or Commissioners Court of Autauga county, Alabama, is hereby invested with authority and power to use in each year a part of the revenues and all surplus revenues of said county, as in its judgment the condition of the county treasury will permit in improving, working and keeping in good condition the public roads of said county.

Approved February 3rd, 1899.

No. 267)

AN ACT

(H. 794

To authorize the Town of New Decatur to issue bonds in a sum not exceeding fifteen thousand dollars for the purpose of building a market house.

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and board of aldermen of the Town of New Decatur, in the County of Morgan, are hereby authorized and empowered to issue bonds of said town in a sum not to exceed fifteen thousand dollars, for the purpose of building a market house in said town; said bonds shall be known as "Market House Bonds," shall be due and payable twenty years from the date of issuance with the option upon the part of the Town of New Decatur to pay and redeem the same at the end of ten years from the date of issuance; said bonds shall draw not exceeding six per cent. interest per annum, and said interest shall be due and payable semi-annually.

May issue
bonds

Sec. 2. Be it further enacted, That the proceeds from the sale of said bonds shall be used by said Town of New Decatur exclusively for the purpose of building and maintaining a market house within the corporate limits of said town, and for no other purpose.

Use of pro-
ceeds

Sec. 3. Be it further enacted, That said bonds, when issued by the mayor and board of aldermen of said town, shall be in amounts of not less than five hundred dollars for each bond, with interest coupons attached, and said bonds and interest coupons shall be numbered, (the interest coupon to bear the same number as the bond to which it is attached) and signed by the mayor, and countersigned by the clerk of said town. Said mayor and board of aldermen are hereby authorized to have said bonds and interest coupons printed, and to pay for the same out of the proceeds of said bonds, and to do all acts and things necessary to legally issue said bonds, and all their acts and

Duties of
mayor and
clerk

doings relative to the issuance of said bonds, not inconsistent with the provisions of this act, are hereby ratified and confirmed.

Approved February 3rd, 1899.

No. 268)

AN ACT

(H. 797

To regulate the fees of Constables in Morgan County in criminal cases.

Fees same as
sheriff's

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act that regularly elected constables exercising the functions belonging to the office of constable in Morgan county, shall for all services in criminal cases as officers of the law receive the same compensation and fees as are now allowed sheriffs in similar cases for like services.

Approved February 3rd, 1899.

No. 269)

AN ACT

(H. 476

To allow Justices of the Peace of Beats 1, 2, 3, 4, 5 and 6 of the County of Montgomery to hold their Courts and offices in either of said beats, and to have and exercise jurisdiction in either.

Rights of
justices of
the peace

Section 1. Be it enacted by the General Assembly of Alabama, That justices of the peace of Beats 1, 2, 3, 4, 5, and 6 of the County of Montgomery shall be allowed to hold their offices and Courts in either of said beats, and shall have and exercise their jurisdiction in either and all of said beats.

Approved February 3rd, 1899.

No. 270)

AN ACT

(H. 457)

To better provide for the payment of State witnesses in the County of Washington.

Section 1. Be it enacted by the General Assembly of Alabama, That the Commissioners Court of Washington county be, and they are authorized and hereby directed to appropriate out of the general fund of the county, and out of any moneys not otherwise appropriated for the year 1899, and each year thereafter, the sum of one thousand dollars for the payment of the State witnesses attending the criminal Courts, and appearing before the grand jury of said county, as hereinafter provided.

Duty of commissioners court

Sec. 2. Be it further enacted, That witnesses subpoenaed on behalf of the State to attend the Circuit or County Courts of said county in criminal cases, or to appear before the grand jury of said county, shall be entitled to one dollar per day, and three cents per mile to and from their residence by the usual traveled route, and all necessary ferriages and tolls, such compensation to be paid out of the appropriation made by the Court of County Commissioners, as provided in Section 1 of this act. Upon the certificate of the clerk showing the amount of compensation to which the witness is entitled, which certificate shall be receivable in payment of county taxes and other county dues.

Pay of state witnesses

Receivable for county taxes

Sec. 3. Be it further enacted, That a witness for the State attending in more cases than one at the same time in said county shall only be entitled to fees in one case while so attending, but if his attendance is required in any other case or cases he shall be entitled for such attendance each day to claim his per diem, but no mileage, and so on for each day until the cases in which he is required to attend are disposed of by trial, continuance or otherwise.

When witness in more than one case

Duties of
court clerks

Sec. 4. Be it further enacted, That it shall be the duty of the clerks of such courts to tax up the fees of State witnesses against the defendant, if he is convicted, or against the prosecutor, if the costs are imposed on him, and such fees when collected shall be paid by the clerk into the county treasury, to reimburse the fund or appropriation from which the same was paid. And it shall be the duty of the county treasurer of said county to keep a separate account of the fees thus covered into the treasury and the fund appropriated, under Section 1 of this act, and he shall render to the Court of County Commissioners, at their first meeting in each year, a statement of the fees so returned into the treasury, the amount paid out to State witnesses under the provisions of this act, and if there be any surplus remaining of such appropriation, or the fees thus paid into the treasury, after all the claims of the State witnesses for the preceding year, as shown by the certificates issued by the clerk have been met, the Court of County Commissioners shall order the same passed to the credit of the fine and forfeiture fund of said county.

Surplus

If amount is
insufficient

Sec. 5. Be it further enacted, That should the amount appropriated under Section 1 of this act together with the amount of costs collected from defendants on conviction, and paid into the county treasury, as provided in Section 3 of this act, be insufficient to pay all the claims of State witnesses for the year in which such claims accrue, the Court of County Commissioners are hereby directed to set aside a sum from the general fund of the county, sufficient to pay such claims as the report of the treasurer may show to be still outstanding and unpaid.

Claims this
act applies
to

Sec. 6. Be it further enacted, That the provisions of this act shall only apply to claims of State witnesses hereafter accruing.

Approved February 3rd, 1899.

No. 271)

AN ACT

(H. 169)

To authorize the Court of County Commissioners of Escambia County to issue bonds of said county for an amount not exceeding twenty-five thousand dollars for the purpose of building a bridge across the Conecuh river.

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners of Escambia county be, and they are hereby authorized to issue the bonds of said County of Escambia to an amount not exceeding twenty-five thousand dollars, or so much thereof as said Court may deem necessary for the purpose of erecting a bridge across the Conecuh river, said bonds to be designated as the "Escambia County Bridge Bonds," and shall be issued in denominations of not less than one hundred dollars each and payable thirty years from date of their issuance, with coupons attached, bearing interest at a rate not exceeding six per cent. per annum, and paid semi-annually to bearer; said bonds and coupons being paid in the City of New York at some bank designated by the Court of County Commissioners.

May issue
bonds

Sec. 2. Be it further enacted, That the bonds authorized to be issued under this act, and the coupons, shall be signed by the probate judge of said county, and his official seal affixed thereto, and he must keep a record and account of all the bonds issued and disposed of under this act, receiving for his services such sum as the Court of County Commissioners may deem just.

Duties of pro-
bate judge

Sec. 3. Be it further enacted, That said bonds shall be exempt from taxation from all county taxes, so far as the County of Escambia may be concerned, and the coupons of said bonds shall be receivable in payment of all county dues and taxes, but only such coupons as are past due, or falling due the year such taxes are collected, shall be so received in payment of such taxes, and the collector of taxes shall not be required to make or give

Exempt from
county taxes

Coupons re-
ceivable for
county
taxes

change for or on account of said coupons, but shall keep a proper record of each coupon which he receives in payment of all taxes in a well bound book prepared for that purpose, which shall be paid for by the county treasurer by order from the Court of County Commissioners.

Authority of
county com-
missioners

Sec. 4. Be it further enacted, That the Court of County Commissioners of Escambia county are hereby authorized to do any and all things authorized by this act which may be necessary to carry out the powers hereby granted, either through themselves or any agent or agents duly appointed by them for that purpose, at any term of said Court, whether at a regular or a special term thereof, and no technical informality, irregularity, neglect or omission in the proceedings or records of said Court shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and property of commercial paper.

Special tax

Sec. 5. Be it further enacted, That for the purpose of erecting and constructing said bridge in Escambia county, the Court of County Commissioners of said county are authorized and empowered to assess a special tax, and it shall be their duty to do so, not to exceed one-fourth of one per cent. on the taxable property in said county, out of which fund, when collected, they shall set apart annually an amount sufficient to fully pay the coupons next falling due under this act, which amount shall be applied by the treasurer of said county exclusively to the payment of said coupons, when due, upon presentation, disposing of such coupons when paid by marking them "Paid," and the date on which they were paid, and filing them in his office.

Sale of bonds

Sec. 6. Be it further enacted, That the said Commissioner's Court of said county is hereby authorized to negotiate and sell said bonds as may be issued by them by virtue of this act, but said bonds shall not be sold for less than par (100 cents on the dollar) and the proceeds of said bonds shall be paid over to and kept by the treasurer of said county and to be used and applied to the purposes

Use of pro-
ceeds

herein designated, under the direction of said Court of County Commissioners.

Approved February 3rd, 1899.

No. 272)

AN ACT

(H. 124

To regulate the fees of Justices of the Peace and Notaries Public ex-Officio Justices of the Peace in Talladega County, and provide for the payment of the same in certain cases.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act notaries public, ex-officio justices of the peace and justices of the peace in and for the County of Talladega shall be entitled to receive the following fees in civil and criminal cases, to-wit: Fees in civil cases: For summons and proceedings thereon to judgment, one dollar. For subpoena for each witness, twenty-five cents. For execution and taxing costs thereon, seventy-five cents. For attachment bond and affidavit, one dollar and fifty cents. For each writ of attachment, fifty cents. For summoning garnishee and taking examination, one dollar. For entering each judgment, twenty-five cents. For each order of sale, fifty cents. For each venire facias, one dollar. For each appeal or certiorari, including notice bond transcript and certificate, one dollar. For every other bond, fifty cents. For administering oath and certifying the same, fifty cents. For every other certificate, not otherwise herein provided for, fifty cents. For each judgment on summary proceedings, one dollar. For judgment on forthcoming stay or replevin bond, fifty cents. For attending trial of right of property, one dollar and fifty cents. For each scire facias, or notice in the nature thereof, fifty cents. For every summons in cases of forcible entry and detainer and unlawful detainer, seventy-five cents. For presiding on trial, one dollar and fifty cents. For administering oath or affirmation,

Fees in civil
cases

Fees in criminal cases

ten cents. For entering judgments, twenty-five cents. For each writ of restitution, twenty-five cents. For return of appeal or certiorari, one dollar. For docketing each cause in any case, ten cents. Fees in criminal cases: For each complaint and warrant of arrest, one dollar and twenty-five cents. For each search warrant, one dollar. For each bond or undertaking of the accused, seventy-five cents. For each subpoena, twenty-five cents. For each commitment to jail, fifty cents. For each continuance, twenty-five cents. For certifying cost to circuit or City Court, fifty cents. For each execution for cost, fifty cents. For certificate of proceedings on appeal, seventy-five cents. For each trial of offense, two dollars. For each preliminary examination, two dollars.

Approved February 3rd, 1899.

No. 273)

AN ACT

(H. 346

For the better working of the roads in Sumter County.

County
superintendent

Section 1. Be it enacted by the General Assembly of Alabama, That the Commissioners Court of Sumter county shall immediately after the passage of this act appoint a county superintendent to superintend all of the public roads of said county.

Election

Sec. 2. Be it further enacted, That the said county superintendent shall be elected by the people of Sumter county on the first Monday in August, 1900, and each second year, as other general elections.

Duties

Sec. 3. Be it further enacted, That the duties of said superintendent shall be to give his whole time to the duties of his office, unless otherwise provisionally hindered.

Duties

Sec. 4. Be it further enacted, That the said superintendent must from time to time ride over the roads of said Sumter county at intervals, and instruct the overseers how to work the roads, and

to be present at all workings on the most important roads of said county, and particularly on roads where we have idle and indolent overseers.

Sec. 5. Be it further enacted, That it shall be the duty of said county superintendent to attend the grand juries of said county, and report all overseers who do not work the roads according to his instructions, and the salary of said office shall be five hundred dollars each year, to be paid out of the general funds of Sumter county.

Report to
grand jury

Salary

Sec. 6. Be it further enacted, That said salary of five hundred dollars shall be paid in four equal payments on the first of January, April, July and October of each year.

Payment of
salary

Sec. 7. Be it further enacted, That said superintendent shall give bond in the sum of five hundred dollars, payable to the county and approved by said Court of Commissioners, conditioned to faithfully discharge the duties imposed upon him by this act.

Bond

Approved February 3rd, 1899.

No. 275)

AN ACT

(H. 442

To authorize Justices of the Peace to hold inquests in their respective Beats in Shelby, St. Clair and Calhoun Counties, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act justices of the peace shall have the authority to hold inquests in their respective beats, in Shelby, St. Clair and Calhoun counties, Alabama.

Authority to
hold inquests

Sec. 2. Be it further enacted, That justices of the peace shall be entitled to the same fees for holding inquests that coroners are entitled to under the law.

Fees

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Repeal

Approved February 3rd, 1899.

No. 276)

AN ACT

(H. 827

To incorporate the Highland City Mills.

Incorporators Section 1. Be it enacted by the General Assembly of Alabama, That T. S. Plowman, J. H. Johnson, S. H. Henderson, G. K. Miller, A. G. Storey, J. H. Hicks, N. J. Hubbard, L. G. Jones, J. C. Williams, J. E. Camp, J. A. Powe, R. Heine, W. L. Miller, C. C. Whitson, J. K. Dixon, and Cecil Browne, be, and they are hereby appointed and constituted a board of incorporators of the Highland City Mills, a proposed body corporate, and are authorized and empowered to open books of subscription to the capital stock of said body corporate, in the City of Talladega, after ten days notice thereof in a newspaper published in said city, and within 60 days from the passage of this act. When not less than fifty per cent. of the said capital stock shall have been subscribed for by solvent, bonafide subscribers, and said board shall call a meeting of said subscribers to be held at some designated time and place in said city, and shall give five days notice of such time, place and meeting by publication in such newspaper. At such meeting of said subscribers the owners of a majority of such stock so subscribed being present in person or by written proxy, they shall select from all the subscribers to such capital stock seven directors, who shall compose a board of directors of said body corporate, and said subscribers shall at such meeting adopt any and all such by-laws and rules for the government of said board of directors (not in conflict with this act) as they may see fit. Such board of directors shall exercise their powers and hold their offices for the term of one year from their election, and until their successors are chosen and elected. There shall be a stockholders meeting of the subscribers to and owners of said capital stock at the expiration of each year after such first stockholders meeting herein above provided for, and at such other times as may be fixed by their by-laws and rules. Said

Subscription to stock

Directors

Powers

Officers

board of directors shall elect a president of such body corporate from their number and shall select a secretary and treasurer from among the stockholders of said body corporate, and shall do and perform all such other acts as may be authorized by the by-laws and rules adopted by the regularly called and organized stockholders meetings.

Sec. 2. Be it further enacted, That the capital stock of said body corporate shall be fifty thousand dollars, divided into five hundred shares of one hundred dollars each, but said capital stock may be increased to any amount not more than two hundred and fifty thousand dollars by a two-third vote of any regularly called organized stockholders meeting.

Sec. 3. Be it further enacted, That all subscriptions to the capital stock of said body corporate shall be in writing, signed by the subscriber or his lawful agent thereto, and shall contain a clause by and in which the subscriber waives his rights to exemptions of personal property, salary or wages in favor of such subscriptions, and agree to pay reasonable attorney fees in case such subscriptions are not paid when due and are placed in the hands of an attorney for collection. Such subscription shall also provide that they shall be paid in installments of a certain per cent. thereof per month, which per cent shall not be less than $2\frac{1}{2}$ per cent., and not more than 5 per cent., and shall be fixed by said board of incorporators and published in said notice of the opening of the books of subscription to said capital stock.

Sec. 4. Be it further enacted, That said body corporate shall have the rights and powers to sue and be sued, to manufacture cotton into yarns, threads, ropes and cloths, and all kinds of goods and to do and perform any and all acts necessary or convenient to enable it to successfully and profitably so manufacture cotton, to borrow money and to pledge and mortgage any and all of its property, subscriptions and choses in action as security for its repayment.

Sec. 5. Be it further enacted, That upon the filing with the probate judge of Talladega county

Duty of probate judge

of a statement in writing, subscribed and sworn to by three of the board of directors first elected as herein above specified, setting forth that at least fifty per cent. of said capital stock has been subscribed for as herein above provided, and that such subscribers are solvent in the opinion of said directors, after examination into their financial condition the said probate judge shall issue a certificate of incorporation to said body corporate and deliver the same to its president, whereupon said Highland City Mills shall be fully authorized and empowered to act as a body corporate as herein above provided.
Approved February 3rd, 1899.

No. 277)

AN ACT

(H. 441

To relieve E. D. Johnson of the disabilities of non-age.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That E. D. Johnson, a minor of Montgomery county, be, and is hereby relieved of the disabilities of non-age.

Approved February 3rd, 1899.

No. 278)

AN ACT

(H. 414

To establish a separate School District, to be known as the Rockrun School District, of Cherokee County, Alabama.

Public school district

Section 1. Be it enacted by the General Assembly of Alabama, That a public school district be organized to include the following territory: Sections 27, 28, 29, 30, 31, 32, 33, and 34, in Township 11, Range 11, east, and Sections 3, 4, 5, 6, 7, 8, 9, and 10 in Township 12, Range 11, east of Huntsville Meridian, all in Cherokee county, Alabama, to be known as the Rockrun school district.

Sec. 2. Be it further enacted, That the county superintendent of education of Cherokee county shall, after the approval of this act, appoint three trustees who are resident householders of said school district, who shall serve until the next election provided for by law for the election of township trustees in Cherokee county, at which time the qualified electors of said district shall elect three trustees, who shall be resident householders of said district. Said trustees shall be governed by the laws governing township trustees. Trustees

Sec. 3. Be it further enacted, That the county superintendent of said county shall set apart from the public school fund of said county the pro rata share of the school fund and poll tax collected in said school district, together with the interest of the sixteenth section fund for the said district school or schools, as provided by the laws governing the public schools of the State. School funds

Approved February 3rd, 1899.

No. 280)

AN ACT

(H. 241

To authorize the Mayor and Council of the Town of Avondale to use the waters of the Avondale Park Springs, and to sink wells in or near the park for additional sources of supply, if desirable, for a public water supply for the Town of Avondale, and to charge for the use of water supplied by water works, and to erect the necessary buildings and machinery for a system of water works.

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and town council of the Town of Avondale, in Jefferson county, Alabama, be, and they are hereby authorized and empowered to use the waters of the springs in the public park in the Town of Avondale in furnishing a supply of water for a system of water works, by pumping or otherwise, for the use of the municipality and the public. Use of waters from springs

Charge for
water

Sec. 2. Be it further enacted, That the mayor and council of Avondale may charge reasonable rates to be fixed by ordinance, for the use of such water when supplied to persons or corporations by a system of water works.

Water works

Sec. 3. Be it further enacted, That the mayor and council of Avondale may erect a stand pipe, buildings for pumps, lay mains and pipes and do all things necessary to equip and operate a system of water works.

Approved February 3rd, 1899.

No. 281)

AN ACT

(H. 79

To amend Section 1 of an act to establish the Blanch School District in Cherokee County, approved February 9th, 1897.

Boundaries of
school dis-
trict

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of an act entitled "An act to establish the Blanch School District in Cherokee county," approved February 9th, 1897, be, and the same is hereby amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act there shall be established in Cherokee county the Blanch school district, to be composed of parts of Township seven (7), Range ten (10), and Township eight (8), Range ten (10), in said county, beginning at A. B. Sharps, from thence east by Mrs. W. T. Henderson's, thence to Mrs. Bettie Teague's, and thence south to Spring creek, at the W. B. Ward old mill place, thence by William Sparks, thence to James W. Lewis, thence to T. S. Davis, thence to J. W. Hartlines, thence to intersect the original line at Frank Fruits.

Approved February 3rd, 1899.

No. 282)

AN ACT

(H. 62

To amend Sections 3 and 8 of act approved on December the 3rd, 1896, entitled "An act to create a separate school district in the Town of Oakman, Alabama, to define the boundaries thereof and to provide for the maintenance of schools thereof."

Section 1. Be it enacted by the General Assembly of Alabama, That Section 3 of an act entitled "An act to create a separate school district in the Town of Oakman, Alabama, to define the boundaries thereof, and to provide for the maintenance of the schools thereof," approved December the 3rd, 1896, be, and is hereby amended to read as follows: Section 3. Be it further enacted, That the public schools of district of the Town of Oakman shall be under the charge of the board of education, to consist of six persons, residents of said district, one of whom shall be elected president by the board for a term of two years. And the said board shall elect a secretary and treasurer for a term of two years. Said board to be elected by the mayor and board of councilmen of Oakman at their first regular meeting in January, or as soon thereafter as practicable. The first three elected shall hold their terms of office for a term of two years and until their successors are elected and qualified, and at each regular first meeting in the month of January, each year, they shall elect three suitable persons to succeed those whose office has expired, so that three of such persons shall be elected annually.

Section 3
amended

Board of
education

Sec. 2. Be it further enacted, That Section 8 of an act entitled "An act to create a separate school district in the Town of Oakman, Alabama, to define the boundaries thereof, and provide for the maintenance of the schools thereof," approved December 3rd, 1896; be, and is hereby amended so as to read as follows: Sec. 8. Be it further enacted, That all the funds devoted to public school purposes in the school district in the Town of Oakman,

Section 8
amended

School funds

derived from said town and district, and from any other source, shall be paid into the treasury of the board of education of the Oakman school district, and shall be disbursed in such manner as the board of education may direct, and all other funds devoted to public school purposes in this school district and in the Town of Oakman, whether derived from State or county, shall be disbursed by the county superintendent of education in the same manner as is now provided by law, except that it shall be done by order of the board of education of said school district.

Approved February 3rd, 1899.

No. 283)

AN ACT

(H. 694

To constitute the corporate limits of the Town of Union Springs, in Bullock County as they now are, or may hereafter exist, a public school district, separate and apart from the remaining school districts of Bullock County, to be known as the Union Springs Public School District, and to provide for the management, support and maintenance of the public schools therein.

School
district

Section 1. Be it enacted by the General Assembly of Alabama, That the corporate limits of the Town of Union Springs, in Bullock county, as they now are or may hereafter exist, shall constitute a public school district, separate and apart from the remaining school districts of Bullock county, and the inhabitants of said town are hereby incorporated by the name of the Union Springs School District.

School funds

Sec. 2: Be it further enacted, That said school district shall receive each year its proportionate share of the school funds coming to Bullock county, from whatever source derived, and its proportionate share of the sixteenth section fund, and also all the taxes collected as poll taxes in said district, which fund and taxes, and all other funds for the use of said school district arising from whatever

source, are to be controlled, managed and expended as hereinafter provided.

Sec. 3. Be it further enacted, That the mayor and council of said town shall, at its first regular meeting in June, 1899, elect from the qualified electors of said town six persons, who, with the mayor of said town, who shall be ex-officio president thereof, shall constitute a board of education for said school district; the six persons so elected to be divided into two classes, three in each class. The first class shall hold office for a term of two years, and the second for a term of four years, and biennially thereafter the said mayor and council shall elect the successors of the three members of the board whose term of office expires, and they shall hold office for a term of two years: Provided, however, That a failure to elect the said board of education at the time herein specified shall in no wise affect the validity of this act, but such election may be held at any subsequent time. The mayor of said town shall have the right to vote on all questions coming before said board, and in case of a tie shall give the casting vote. Vacancies in the said board, from any cause whatsoever, shall be filled by the said mayor and council, for the unexpired term. And the public schools of the said school district shall be under the control, management and supervision of the said board of education as herein constituted.

Sec. 4. Be it further enacted, That each member of said board of education shall, upon his induction into office, take and subscribe an oath or affirmation faithfully to discharge the duties imposed upon him as a member of such board. And said board shall provide all rules, by-laws, or regulations necessary to the conduct of the business that may come before it, and may elect a secretary, who shall hold office at its pleasure, and who shall receive such compensation as such board may prescribe, but the members of said board shall receive no compensation. The majority of said board shall constitute a quorum for the transaction of business.

Duties

Sec. 5. Be it further enacted, That it shall be the duty of said board of education, as soon as practicable after its organization during the month of June, 1899, and annually thereafter by the 15th day of May, to submit a statement to the mayor and council of the Town of Union Springs, showing the amount of money required for the support and maintenance of the public schools of the town for the next ensuing scholastic year, and for the erection, rental or repair of the necessary school buildings, together with a statement of the probable amount of money that will be received from the school funds, or from any other source. And when such statement shall have been made the said mayor and council are hereby authorized to increase the school funds by levying a tax, not to exceed one-fourth of one per centum, on the value of the taxable property of the town, when in their opinion they deem best, which shall be collected as other taxes of the town, and by appropriating any surplus fund arising in the treasury of said town to said school fund. And the mayor and council of said town are further authorized to make special appropriations for the erection, furnishing, repair or rental of school houses.

School tax

Town appro-
priationsSuperin-
tendent

Sec. 6. Be it further enacted, That said board of education shall elect a superintendent of the public schools of said district, who shall hold office for two years, and until his successor is elected and qualified, unless sooner removed for cause, and he shall perform the duties, and receive such salary as the board may prescribe. Such superintendent, before entering upon the duties of his office, shall take the oath of office prescribed by law, for such officers in this State, and shall give bond, with security in such sum as may be fixed by said town council are conditioned as all other official bonds, which bond shall be approved by said town council and filed in the office of the clerk of said town.

School
census

Sec. 7. Be it further enacted, That the superintendent of said public schools shall attend to the taking of the school census, with such assistance as may be allowed him by the said board of educa-

tion, whenever such census is required to be taken, and he shall make a full report of same to said board.

Sec. 8. Be it further enacted, That said board of education shall have power, with the approval of the mayor and council of said town, to build upon the property of the town, suitable houses for the use and accommodation of the public schools of said school district, or said board may rent or purchase such houses with the approval of the said mayor and council. And said board shall keep said houses in proper repair, and shall furnish the same with appropriate furniture and apparatus: Provided, That no contract shall be entered into, and no disbursements of any moneys or funds under the provisions of this act shall be made except by the consent and under the direction and control of the said mayor and council.

School
houses

Sec. 9. Be it further enacted, That the said board of education may open a sufficient number of schools to meet the wants of the population of said school district; and said board shall elect such officers as are in their opinion necessary to the good government of said schools, and when necessary in their opinion may require such officers to give bond in such sum as they may prescribe, and conditioned as all other official bonds; and said board shall elect all teachers employed in the public schools, fix their duties and compensation, and prescribe the qualifications necessary to become a teacher in said schools, and from such applicants shall select such as may be considered best qualified to fill the position of teachers; and said board shall dictate the course of instruction, the number and character of text books; the organization of classes, and the method of teaching, and shall prescribe rules and regulations for the government of the schools aforesaid. And such board shall have and exercise such other additional powers as may be necessary to give it complete control of the public schools of said school district. And such board may remove any of the officers and teachers employed in said schools for cause, to be determined by said board.

Duties of
board

Pupils

Sec. 10. Be it further enacted, That the children and wards of all actual residents in said school district from seven to twenty-one years of age, shall be entitled to seats as pupils in the public schools of said district: Provided, Said children shall themselves be bona fide residents of said district, and the non-resident children may be admitted into such schools on such terms and conditions as the board of education may prescribe; and provided, that separate schools shall be provided for the colored children. And the said board of education shall apportion the funds arising under the provisions of this act, among the different schools, in such a manner as is just and equitable.

Diplomas

Sec. 11. Be it further enacted, That said board of education may issue diplomas to all pupils who satisfactorily complete the course of study prescribed for the public schools of said school district, but such diplomas shall not entitle the holders thereof to teach in the public schools of the State without examination.

Sec. 12. Be it further enacted, That said board of education shall have power to charge in the several grades in said school such individual or other fees as may be deemed necessary for the proper conduct of said schools:

Examinations
of appli-
cants to
teach

Sec. 13. Be it further enacted, That said board of education shall have authority to create a board for the examination of applicants for positions as teachers in the several grades of the public schools of said district, and no person shall be elected a teacher in said schools who shall not have received a license from such board.

School fund

Sec. 14. Be it further enacted, That the tax collector of Bullock county is hereby required to pay over to the treasurer of said town of Union Springs all poll taxes collected within said school district, and the receipt of said treasurer shall be a valid voucher in the hands of said tax collector, in his settlement with the auditor of the State, and the superintendent of education of Bullock county is required to pay over to the treasurer of said town the pro rata share of said school district in the

school fund of said county, and the clerk or other person collecting taxes for the Town of Union Springs is required to pay over to said treasurer all such moneys as were collected by said clerk or other person for the use and benefit of said school district.

Sec. 15. Be it further enacted, That the treasurer of said town of Union Springs shall keep the funds coming into his hands under any of the provisions of this act separate and apart from the other funds of said town, and shall disburse the same, only upon the warrant of the superintendent of public schools of said district, approved by the mayor of said town. And before receiving any such funds said treasurer shall give a separate bond, conditioned as required by law, for the faithful keeping and disbursement of the said public school fund in a sum to be prescribed by said mayor and council and with security to be likewise approved by the said mayor and council. And which bond, when approved, shall be filed with the clerk of said town for safe keeping. And upon the failure on the part of said treasurer to give the said bond within ten days after his election, the said mayor and council shall declare the office of treasurer vacant, and shall elect some other person to said office, who shall be required to give said bond.

Sec. 16. Be it further enacted, That the superintendent of said public schools shall, from time to time, when required, make report of the schools in said district, to the State superintendent of education. And the said State superintendent of education may exercise a supervisory power over the public schools in said district.

Duty of
superin-
tendent

Approved February 3rd, 1899.

No. 284) **AN ACT** (S. 295)
 To amend Section 1 of an act entitled "An act to amend Section 4 of an act entitled an act to regulate the mode of selecting, drawing and empan-
 eling grand and petit jurors for Mobile County, approved February 20, 1883," which said act was approved February 18, 1897.
 Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of an act entitled "An act to amend Section 4 of an act entitled an act to regulate the mode of selecting, drawing and empan-
 eling grand and petit jurors for Mobile county, approved February 20th, 1883, which said act was approved February 18th, 1897," be, and the same is hereby amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Ala-
 bama, That Sec. 4 of an act entitled "An act to reg-
 ulate the mode of selecting, drawing and empanel-
 ing grand and petit jurors for Mobile county," ap-
 proved February 20th, 1883, be amended so as to
 read as follows: Sec. 4. Be it further enacted,
 That, the governor, of the State on January 1st,
 1898, or as soon as practicable after such date,
 shall appoint three persons residing in Mobile coun-
 ty, known and esteemed in the community for their
 intelligence, fair character and sound judgment,
 which persons, together with the judge of probate
 of said county, shall constitute a board of jury com-
 missioners, which shall be known as the jury com-
 mission of Mobile county. The judge of probate
 of said county shall be, ex-officio, the president of
 said commission, and whenever it shall be impos-
 sible for him to be present, or in consequence of
 sickness or other cause, he shall not be able to
 discharge the duties required of him in this act,
 then the other members of said board shall appoint
 one of their own number to act as president, and
 to perform the duties which the judge of probate
 shall not be able to perform. It shall not be law-
 ful for said commission to act unless at least three

Board of
 jury commis-
 sioners

President

Quorum

of their number are present. As soon as said commission shall be organized the president thereof shall swear each member of said commission, faithfully, honestly and diligently to discharge all the duties imposed upon him by this act to the best of his ability. Some member of the commission shall administer the same oath to the president thereof. The term of office of the jury commissioners appointed under this act shall be four years from the date of their appointment; and upon any vacancy occurring in said board by expiration of term of office, by death, removal or resignation of either or all of said commissioners, such vacancy shall be filled by appointment made by the governor of the State. Said board shall employ a clerk to perform the duties required under this act of such clerk, who shall be paid for his services monthly at the rate of four hundred and eighty dollars per annum; and the judge of probate of Mobile county, and each jury commissioner shall be paid for services required of him by this act monthly at the rate of three hundred and sixty dollars per annum; said compensation to judge, clerk and commissioners shall be paid out of the county treasury upon the warrant of said judge of probate or of the acting president of said commission.

Oath

Vacancies

Clerk

Compensation

Approved February 3rd, 1899.

No. 286) **AN ACT** (H. 17

For the relief of W. S. Wilson, ex-Sheriff of Franklin County, for the removal of prisoners from Lawrence and Jefferson Counties, to the County of Franklin.

Section 1. Be it enacted by the General Assembly of Alabama, That an appropriation of forty-two dollars be, and the same is hereby made for the relief of W. S. Wilson, ex-sheriff of Franklin coun-

Relief

ty, for the removal of two prisoners, one from Jefferson county, and one from Lawrence county, Alabama, to the jail in Franklin county, in the years 1894 and 1895.

Appropriation Sec. 2. Be it further enacted, That the amount of money named in the foregoing section shall be paid out of any funds in the treasury not otherwise appropriated, and that the State auditor be, and is authorized and required to draw his warrant on the treasurer for the amount named in Section 1 of this act.

Approved February 10th, 1899.

No. 287)

AN ACT

(H. 60

To alter and define the boundary line between Bibb and Shelby Counties, in the State of Alabama.

Boundary line Section 1. Be it enacted by the General Assembly of Alabama, That the boundary line between Bibb and Shelby counties, be, and the same is hereby altered and defined to be as follows: Commencing at the southeast corner of Section eight (8), Township twenty-four (24), north, Range twelve (12), east; thence running west to the range line between ranges eleven (11) east, and twelve (12) east; thence north to what is commonly called the base line where the surveys commencing at Huntsville Meridian and St. Stephens Meridian meet; thence west along said base line to the west line of Section twenty-nine (29), Township twenty-two (22), south, Range four (4) west; thence north to the northeast corner of Section six (6), in said Township Twenty-two (22), south, Range four (4), west, and thence west to the Cahaba river.

When act
goes into
effect

Sec. 2. Be it further enacted, That this act shall go into effect at the beginning of the next tax year, to-wit: On the first day of October, 1899.

Approved February 7th, 1899.

No. 288)

AN ACT

(H. 117

To regulate the payment of claims against the fine and forfeiture fund of Monroe County Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, all persons owning outstanding claims against the fine and forfeiture fund of Monroe county, commonly known or called witness certificates or officers script, shall, within three months from March 1, 1899, file the same with the county treasurer, and have the same marked registered by him, and all claims now outstanding which are not so filed, shall forever be barred. And all such claims not now outstanding, but which may accrue in future must be filed as aforesaid with the county treasurer within three months from the time said claim became a charge against the fine and forfeiture fund, and when not so filed the same shall be forever barred.

Registration
of claims

Sec. 2. Be it further enacted, That all claims against the fine and forfeiture fund of Monroe county, commonly known as witness certificates or officers script, which have been heretofore filed, and are still outstanding and unpaid, must be re-filed with the county treasurer within three months from March 1, 1899, or the same shall be forever barred, and no longer a charge or claim against said fund.

Refiling

Sec. 3. Be it further enacted, That from and after the passage of this act all valid and properly registered claims against the fine and forfeiture payment of fines and forfeitures in the County of Monroe, regardless of the date of registration of such claim.

Receivable by
county

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed, so far as they apply to the County of Monroe.

Repeal

Approved February 8th, 1899.

No. 289)

AN ACT

(H. 113)

To amend an act entitled "An act to provide for the compensation of the Sheriffs of Mobile and Jefferson Counties for ex-officio services," approved February 15th, 1897. So as to include Montgomery County.

Ex-officio
services of
sheriff

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "An act to provide for the compensation of the sheriffs of Mobile and Jefferson counties for ex-officio services," approved February 15th, 1899, be amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That the sheriffs of Mobile, Jefferson and Montgomery counties shall receive for empanelling grand juries, advertising and attending all State elections in their counties, and for all other public services not otherwise provided for, such sum as may be allowed by the Court of County Commissioners, or board of revenue, to be paid out of the county treasury, not to exceed five hundred dollars per annum.

Repeal

Sec. 2. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed, so far as they relate to the counties of Mobile, Jefferson and Montgomery.

Approved February 8th, 1899.

No. 290)

AN ACT

(H. 155)

To amend Section 5425 of the Code of Alabama.

Amendment
as to Clarke
county

Section 1. Be it enacted by the General Assembly of Alabama, That Section 5425 of the Code of Alabama be, and the same is hereby amended, so as to read as follows: Section 5425: On default in payment of fines and costs, imprisonment or hard labor imposed: If the fine and costs are not paid,

or a judgment confessed according to the provisions of the preceding section, the defendant must either be imprisoned in the county jail or, at the discretion of the Court, sentenced to hard labor for the county as follows: If the fine does not exceed twenty dollars, ten days; if it exceeds twenty and does not exceed fifty dollars, twenty days; if it exceeds fifty, and does not exceed one hundred dollars, thirty days; if it exceeds one hundred, and does not exceed one hundred and fifty dollars, fifty days; if it exceeds one hundred and fifty, and does not exceed two hundred dollars, seventy days; if it exceeds two hundred and does not exceed three hundred dollars, ninety days; and, for every additional one hundred dollars or fractional part thereof, twenty-five days. But if the fines imposed for the breach of contract, with surety in a confessed judgment, under Section 4751 of the Code of Alabama, the sentence shall be for not less than a sufficient time to pay the damages, ascertained to be due the surety at the rate for which the defendant will be hired at hard labor: Provided, The provisions of this act shall apply alone to Clarke county.

Approved February 7th, 1899.

Applies
only to

No. 291)

AN ACT

(H. 161

To incorporate the Town of Pinckard, in the County of Dale, and State of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the Town of Pinckard, in the County of Dale, be, and the same hereby is incorporated, and the corporate limits of said Town of Pinckard shall extend one mile, in every direction, from the depot of the Alabama Midland Railway Company, in said town.

Corporate
limits

Sec. 2. Be it further enacted, That the officers of said town shall be one mayor, five councilmen, one marshal and one clerk, who shall also be

Officers

Election

Oath

Bonds

treasurer, tax assessor and tax collector of said town, who shall be resident citizens of said town for three months next preceding their election to said offices, and who shall be elected by the qualified electors of said town on the first Tuesday in April, 1899, and on each succeeding first Tuesday in April thereafter, and whose term of office shall be for one year and until their successors are elected and qualified. The said officers shall each before entering on the duties of their respective offices, take the official oath prescribed by law for civil officers of this State. The mayor, marshal and clerk, before entering upon the discharge of the duties of their respective offices, must each execute a bond, payable to the incorporation of the Town of Pinckard, with good and sufficient sureties, in such sum as the mayor and councilmen of the town shall from time to time prescribe, and require of each officer, but in no event to require of the mayor a bond in a less sum than six hundred dollars; nor of the clerk and marshal, a bond in a less sum than five hundred dollars each, conditioned faithfully to execute and discharge all and singular, the duties of their respective offices as shall be prescribed by the laws of the said Town of Pinckard; the mayor's bond to be approved by the councilmen, and the clerk's and marshal's bond to be approved by the mayor and councilmen of said town of Pinckard. And the mayor and councilmen shall in like manner prescribe the amount and conditions of all other bonds required to be given by any other officers of said town, or other person or persons, who shall be required to make bond to said town, and approve the same; except appeal bonds from convictions for violations of the laws and ordinances of said town, which bond shall be approved by the mayor, or the councilmen trying the case.

Elections

Sec. 3. Be it further enacted, That the first election for the officers of the said town under this act, shall be held on the first Tuesday in April, 1899, according to the laws regulating the holding of elections in this State, by inspectors appointed

for that purpose, by the present mayor of said town; and such inspectors shall conduct, hold and manage such election as aforesaid, and make return thereof within ten days, thereafter to the present mayor and councilmen of said town, who shall, within two days from the time of such return, examine the same and declare the result of such election: Provided, That written notice of such election shall have been posted up at three public places in said town at least ten days before the day thereof, or published in a newspaper, if one be published in said town. And each subsequent election for the officers of said town shall be held and conducted in all things according to the provisions of this section.

Sec. 4. Be it further enacted, That should two or more competing candidates for the office of mayor receive an equal number of votes, the councilmen chosen at the same election shall determine which of said candidates so receiving an equal number of votes, shall be mayor, and should any two or more election, the mayor elected at that election shall decide and declare which of said candidates so receiving an equal number of votes shall be councilman or councilmen; and should any two or more candidates for the office of marshal or clerk of said town receive an equal number of votes, the mayor and councilmen elected at that election, shall determine and declare which of such candidates receiving an equal number of votes for marshal or clerk, shall be the marshal or clerk, as the case may be. And a record of the result of all elections held under this act shall be made in a book kept by said town for such purpose, which book shall be kept by the clerk of said town.

Sec. 5. Be it further enacted, That the election of any person declared to be elected, to any one of the offices of said town, may be contested by any qualified elector of said town for any one or more of the following causes: 1. Mal-conduct, fraud, or corruption on the part of any inspector, clerk, or returning officer, or the mayor and councilmen supervising and ascertaining the result of any elec-
Contest

tion. 2. When the person whose election is contested, was not eligible to the office to which he has been declared to have been elected at the time of such election. 3. On account of illegal votes. 4. Intimidation, bribery, offers to bribe, violence or abuse calculated to prevent a fair, full and free exercise of the elective franchise.

Contest

Sec. 6. Be it further enacted, That any person desiring to contest the election of any person or persons, declared to have been elected to either, or all of the offices of said town, within ten days after such person or persons declared to have been elected, to either of the offices of said town, must present a statement of the grounds of contest in writing and verified by his oath, that the same is true, to the judge of the probate court of Dale county, Alabama, and also lodge with such judge security for the cost of such contest, which shall be in such sum, and with such security, as may be determined by said probate judge, which shall be taxed against him and his sureties, in case he is unsuccessful in such contest; the judge of probate, upon the presentation of such statement for contest, shall appoint a day, not less than fifteen nor more than thirty days from the time of such presentation, for the trial of the matter of such contest, and he must endorse the same upon such statement; the probate judge must not require security for cost in the sum of more than three hundred dollars. A copy of the statement for contest provided for in this section, with the day for the trial endorsed thereon, shall be served on the person whose election is contested, or left at his usual place of residence, at least ten days before the day set for trial: Either party shall have the right to have subpoenas issued by the probate judge to compel witnesses to attend and give evidence in the matter of such contest, and the judge of probate before whom such contest is pending, shall have the same power to compel the attendance of witnesses for either party to such contest, as he has in other cases pending before him, or in the Probate Court, of which he is the

judge. In such contest testimony may be taken by deposition upon interrogatories, filed as in other cases in the Probate Court, the adverse party to be served with a copy of the interrogatories five days before the issuance of a commission; so that he may cross them if he sees proper; but if he is not in said town at the time of the filing of such interrogatories, it will be sufficient to endorse that fact upon the interrogatories at the time of the filing of the same, and allow them to remain on file five days before the issuance of a commission, the witnesses and commissioner in such contest shall be entitled to the same fees as in other cases in the Probate Court. The Court may, for good cause, continue the case to some other day, not more than thirty days, but no case shall be continued more than twice at the instance of the same party.

Sec. 7. Be it further enacted, That the judge of Contest probate in the trial of such contest; may examine the ballots and poll lists given and kept at such election, so far as may be necessary to enable him to arrive at a correct understanding of them, and he must be governed in the trial and determination of such contest by the rules of law and evidence governing the determination of questions of law and fact in this State, so far as the same are applicable, and after hearing the evidence and the argument, of counsel, if any, must give judgment either confirming or annulling such election altogether or declaring that some other person is elected than the one whose election is contested. If it appears to such judge, upon the trial of such contest, that two or more persons have received for the same office an equal number of legal votes, the trial must be temporarily adjourned and the result certified to the mayor and councilmen elect, whose duty it shall be to determine the question of a tie, under the provisions of this act hereinbefore prescribed. When any person whose election is contested is proven to have been ineligible, at the time of holding such election, judgment must be rendered declaring such election void as to such person, and the person having the next highest num-

ber of legal votes shall be declared to be duly elected to such office. When the election is declared void, or when any other person than the one whose election is contested is declared elected, the party contesting recovers of the party whose election is contested, all costs, for which execution may issue, returnable to any regular term of the Court within three months after the issuance of such execution. In all cases in which the contesting party is defeated, the party whose election was contested recovers of the contesting party all costs, for which execution may issue against him and his sureties as provided in this section. Either of the parties to such contest feeling aggrieved by the judgment of the judge of probate, may appeal the cause to the Circuit Court of the County of Dale by complying with the laws regulating appeal from the probate to the Circuit Court.

New elections Sec. 8. Be it further enacted, That upon any contest of the election of any officer or officers of said town, the election should be declared annulled by the Probate Court or the Circuit Court, and no appeal should be taken from the judgment of such Court annulling such election, it shall be the duty of the mayor and councilmen who were in office at and before the holding of such election, to order a new election for such officer or officers of said town, upon such day, not more than thirty days from the judgment annulling such election, as they may select; such election to be had, managed, and conducted, return made and results ascertained and declared, as hereinbefore prescribed. If the mayor and councilmen shall wilfully fail to provide for and hold any election provided for in this act, they shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding five hundred dollars each.

Present officers Sec. 9. Be it further enacted, That the mayor and councilmen now in office in said town, and also the marshal and clerk now in office in said town, shall continue to exercise the duties and functions of their said offices until their successors shall be elected and qualified.

Sec. 10. Be it further enacted, That no elector shall be permitted to vote in any election in said town until he shall have been a resident citizen of the State of Alabama for twelve months, of the County of Dale for three months, and of the town of Pinckard for thirty days next preceding the election at which he offers to vote. Voters

Sec. 11. Be it further enacted, That if a vacancy shall occur in any of the offices of said town, by death, resignation, or otherwise, it shall be the duty of the mayor and councilmen, or of a majority of the councilmen, within ten days thereafter, to order an election to fill such vacancy; which shall be held in all respects as other elections in said town. If the office of marshal of said town shall become vacant for any cause, the mayor and councilmen shall have the right, and it is hereby made their duty, pending an election, to fill such vacancy, to make a temporary appointment of a marshal to fill such vacancy, who shall serve until the election and qualification of a marshal as hereinbefore provided. Vacancies

Sec. 12. Be it further enacted, That as many as three members of the board of councilmen shall be necessary to constitute a quorum to do business, and such three councilmen may do any business of the town. In the absence of the mayor, or in the event of his disqualification or refusal to act, the same rights, powers and duties are hereby conferred upon any councilman in said town, as are by this act conferred upon the mayor. Quorum

Sec. 13. Be it further enacted, That the marshal may, at any time, be suspended for such time as the mayor and councilmen may determine, or the marshal may be removed from office by the mayor and councilmen by a two-thirds majority vote thereof; and they may then supply his place by a temporary appointment, to hold good until he is restored to his office, in case of his suspension, or until his successor is elected and qualified, as hereinbefore provided, in case of a removal from office. Removal from office

Sec. 14. Be it further enacted, That the mayor and council of said town, now in office, and Rights

their successors in office, are hereby constituted, and declared, a body corporate, to be known and recognized by the name and style of the Town of Pinckard. And by that name they may sue and be sued, plead and be impleaded, in all the Courts of law and equity in this State, and shall be capable of contracting, of purchasing, holding, and conveying, for and on account of said town and for the benefit thereof, real and personal property not to exceed in value the sum of one hundred thousand dollars.

Attorney

Sec. 15. Be it further enacted, That the mayor and councilmen of said town shall have the right and power to elect or employ an attorney to prosecute all causes for a violation of the town ordinances, and to prosecute and defend all causes to which said town may be a party, and to provide his compensation and how the same shall be taxed and paid.

Police

Sec. 16. Be it further enacted, That the mayor and councilmen shall have power to elect or employ such police force and night watchmen as they may deem necessary to carry into full force and effect the laws and ordinances of said town, to prescribe and fix the amount and condition of their bonds and the terms of their office and employment.

Salaries

Sec. 17. Be it further enacted, That the mayor shall have a salary for the service performed by him, not to exceed the sum of one hundred dollars per annum; that the clerk shall have, for the service performed by him, a salary not to exceed the sum of one hundred dollars per annum; and that the marshal shall have, for the service performed by him, a salary not to exceed the sum of three hundred dollars per annum; that such other officers as may be employed or elected by said mayor and councilmen shall have, for the service performed by them, a salary not to exceed the sum of three hundred dollars per annum, as may be determined by the mayor and councilmen to fix the compensation of each of said officers, under the limits herein provided, the same to be paid as may be determined by the mayor and councilmen.

Sec. 18. Be it further enacted, That it shall be the duty of the mayor to attend and preside at all the meetings of the council, keep order, put questions and take votes; see that the laws and ordinances and resolutions passed by the council are published according to law, and that all laws of said town are properly executed; to furnish, from time to time, and lay before the council, a full statement of the condition of the affairs of said town, and suggest to the council such changes in the laws and government of said town as he may deem wise; to report to the council all officers known by him to have been guilty of malconduct or misfeasance in office, or neglect of official duty. He shall see that all contracts with the town are faithfully kept and performed; and to this end, subject to the direction of the council, cause all legal proceedings to be instituted against all persons or corporations failing to fulfill their agreements with the said town, and forthwith to report to the council any violation of any contract with the town; to sign all ordinances and resolutions passed by the council, and to sign the minutes of the council, when approved by him, and to perform all such other duties as are or may be by law required of him, or imposed upon him, as such mayor. It shall be the duty of the clerk of said town to attend the meetings of the council, keep the minutes of the proceedings of the council, to countersign the minutes of the council, when approved by the mayor, and to countersign all ordinances when passed by the council; to assess and collect all taxes that may be provided for by the ordinances of said town; to safely keep all funds of the town, and to disburse the same according to law; to safely keep all books, records, papers, deeds, and instruments belonging to the town; and to do and perform all duties which are, or may be, imposed upon him by law. It shall be the duty of the marshal, to attend upon all meetings of the council; to preserve the peace, quiet and good order of said town; to levy all legal process, by levy and sale if necessary, which shall come into his hands as such marshal, and to per-

Duties of
mayor

form all other duties which are, or may, be imposed upon him by law, as such marshal. It shall be the duty of each councilman of said town to attend upon the meetings of the mayor and councilmen; to vote upon all questions coming before the council; and to do and perform all other duties which are, or may, by law be imposed upon them.

Power and
authority of
mayor

Sec. 19. Be it further enacted, That the mayor of said town shall have power and authority to punish any contempt of Mayor's Court, and to punish any person guilty of violating the good order of the council or any committee thereof, when in session for the transaction of any business for said town, by fine not to exceed five dollars, or imprisonment not to exceed twenty-four hours in the town prison, one or both, at the discretion of the mayor; to take jurisdiction of every violation of the laws and ordinances of said town, arraign, try, convict and punish the person, or persons, committing the same, such punishment not to exceed a fine of one hundred dollars, or imprisonment in the town prison not to exceed thirty days, one or both, at the discretion of the mayor; or any person convicted and fined who shall fail or refuse presently to secure the fine and costs, or pay the same, the mayor is hereby authorized to, and empowered to, sentence such person to hard labor for the town, according to the laws now regulating sentences to hard labor for the county, of persons convicted of violations of the State law, for the payment of such fine and costs for a term not to exceed sixty days for the same violation of the laws and ordinances of said town: Provided, however, the mayor may commute fines not secured, or sentences to imprisonment in the town prison, in the same manner as is provided that circuit judges may, in this State; to exercise the same powers and jurisdictions of a justice of the peace over all violations of the State law committed in said corporation, and may convict, when a justice of the peace might do so, or hold to bail, as the case may be, and his fees shall be the same in all cases for the violation of the State law as the fees of a justice of the peace for like

service, to be taxed and collected as the fees of a justice of the peace are now taxed and collected under the State law.

Sec. 20. Be it further enacted, That the clerk shall have the power and authority to issue all executions and other process as may be necessary to enforce the collection of all taxes, fines, forfeitures, and other dues which may be owing to said town on any account whatever. The marshal shall have the power and authority to arrest any and all persons guilty of a violation of the ordinances of said town, or of a violation of any State law within the corporate limits of said town, and to carry such person or persons before the mayor, to suppress all riots and unlawful assemblies, and to summon or require any person or persons to assist him in the performance of these duties.

Powers of
other officers

Sec. 21. Be it further enacted, That the mayor and councilmen of said town, acting for and on behalf of the same, shall have power and authority to ordain, pass and adopt all such ordinances, by-laws and resolutions, and make all such regulations not in conflict with this act, nor the constitution of the State of Alabama, as may be by them deemed necessary for the good government of said town; such ordinances, by-laws, resolutions and regulations may extend to and provide for the preservation of health, to prevent and remove nuisances of whatsoever kind, at the cost of the person creating the same, and to enter private premises for that purpose; to prohibit and restrain every species of gambling, chance-taking, drunkenness, profane language, and to punish the same; to prohibit and punish the keeping of houses of ill-fame, or bawdy houses, or disorderly conduct of any kind whatever; to punish all vagrants and idlers who are able-bodied and have no means of support or honest employment, and all beggars who are able-bodied persons; to punish all persons who are prostitutes, to punish all persons who expose themselves indecently, publicly; to punish all assaults, and assaults and batteries, and the carrying of concealed weapons.

Powers

Taxes

Sec. 22. Be it further enacted, That the mayor and councilmen of said town shall have power, by ordinance, to levy and collect taxes on all the property in said town, not exempted by laws of the State from taxation, annually, not to exceed one-half of one per centum upon the value thereof. Said taxes shall be assessed by the clerk of said town, acting as tax assessor, between the first day of December and the fifteenth day of January of each and every year, and the taxes assessed under the provisions of this section shall become due and payable on the first day of October of each year; and said town shall have a lien upon the property of the tax payers paramount and superior to all other liens and incumbrances, except the lien for State and county taxes; and if not paid by the first day of November of each year, said taxes shall be in default, and each tax payer failing to pay his taxes before the first day of November of each year shall be a defaulter. After the first day of November, in each year, the clerk, acting as tax collector, shall enter upon the tax list of each defaulter the fact that he has failed to pay his taxes, and that he is a defaulter. This endorsement by the clerk, acting as such tax collector, upon the tax list, shall have the force and effect of a judgment in favor of the town, and against such defaulting tax payer, for the amount of the delinquent taxes and all costs, and the clerk shall thereupon forthwith issue execution against such defaulting tax payer for the amount of such delinquent taxes and the costs, and the marshal shall levy such execution upon the property of the defaulting tax payer, first, the personal property, if he has any, or if he has no personal property, or if not a sufficient amount of personal property to pay the taxes and costs, then upon his real estate, or real estate and personal property, as the case may be; and it shall be the duty of the marshal to advertise such property, whether personal or real, for sale, by giving ten days' notice, by posting written notices at three public places in said town, giving the time, place and terms of sale, and a description of the

property to be sold, and why sold; and upon the day of sale it shall be the duty of the marshal, between the hours of eleven o'clock in the forenoon and four o'clock in the afternoon, to sell so much of the property of such defaulting tax payer, at public auction, to the highest bidder for cash, as may be necessary to pay the taxes due by him, and all the costs and charges incident to the sale and collection of such delinquent taxes; if the property so sold be real estate, such time for its redemption, not to exceed one year, nor to be less than six months from the date of the sale, shall be allowed for redemption, as shall be provided for by the ordinances of said town; and when the time for redemption has elapsed, such real estate shall be conveyed to the purchaser thereof by the mayor, by deed of conveyance similar, in all substantial respects, to a deed made by a judge of probate to real estate sold for taxes due to the State of Alabama: Provided, That when real estate is sold for taxes, the marshal shall furnish the purchaser thereof upon payment of the purchase money, a certificate of purchase, similar, in all substantial respects, to the certificate of purchase furnished by tax collectors of the State of Alabama, when real estate is sold for taxes due to the State, to the purchaser thereof. And such certificate shall be signed by the marshal and countersigned by the clerk, acting as such tax collector.

Right to
redeem

Sec. 23. Be it further enacted, That the clerk, acting as tax assessor and tax collector, shall have, within the time provided for the assessing and collecting the taxes of said town, stated days for assessing and collecting, and a stated place in said town, where he will be on such days to make assessments and collections from tax payers desiring to give in and pay their taxes, of which days and places the clerk shall have given ten days' previous notice, by posting written notice thereof at three public places in said town; and after the days named in said notices, the tax payers who shall fail then to go before the clerk and give in their taxes and pay the

Assessing and
collecting

same, shall pay such fees for the assessment and collection of their taxes as may be prescribed by the mayor and councilmen.

Work on the
streets

Sec. 24. Be it further enacted, That every person residing in the said town, and subject under the State law to road duty, shall be subject to work on the streets and alleys and public highways in said town, not exceeding ten days in each year. But the mayor and councilmen, at their discretion, may exempt all such persons from working on the streets, alleys and public highways in said town,

Street tax

and may require such persons to pay a road or street tax each year, not exceeding five dollars; and they are authorized to levy and collect such road or street tax annually, and such town shall have a lien upon the property of such persons for such street tax paramount and superior to all other liens, except for State and county and town taxes. The marshal shall assess and collect such street or road taxes, and they shall be due on the first day of April of each and every year, and shall be delinquent after the first day of May of each and every year. After such street or road taxes become delinquent, it shall be the duty of the marshal to endorse the fact that such tax payer is a delinquent and tax defaulter, in the same manner as the clerk shall endorse the fact that other tax payers are defaulters, on the street or road tax lists of such defaulting tax payers; and this endorsement by the marshal shall have the force and effect of a judgment for the amount of such taxes and costs; and the clerk shall forthwith issue an execution thereon; and the marshal shall levy the same upon the property of such tax payer, and shall sell the same, in all respects as provided in case of sales for other taxes due the town; or in the event that such defaulting street tax payer shall not have sufficient property for the payment of such taxes and costs, or if, from any other reason, the marshal shall be unable to collect such street tax, it shall be his duty forthwith to warn such defaulting street tax payer to work upon the streets, alleys and public highways of said town, from time to

time, as the marshal may direct, for a term not to exceed ten days in any one year; if any such person so warned fails and refuses to work upon the streets, alleys or public highways of said town, or to cause some other person to work in his stead, who shall be an able-bodied man person, capable of doing the work of such defaulting tax payer, it shall be the duty of the marshal to arrest such person and carry him before the mayor, who shall have the power and authority to try, convict and punish such defaulting tax payer, by a fine not to exceed ten dollars, or imprisonment in the town prison not to exceed ten days, one or both, at the discretion of the mayor, or councilman trying the cause.

Sec. 25. Be it further enacted, That the mayor and councilmen shall have the power and authority, by ordinance, to assess a privilege, or license tax, upon all persons or corporations engaging in, or carrying on, any business, trade, vocation, occupation, profession, except railroad, express and telegraph companies, which are now licensed or taxed by the laws of this State; and in addition thereto, shall have the power to tax every other business, calling, employment, trade, profession, vocation, occupation or enterprise, which now is or hereafter may be, carried on in said town, and to issue license therefor, and to require all persons, before engaging therein, to obtain a license; and to punish any and all persons who shall engage in any such business, calling, employment, trade, profession, vocation, occupation, or enterprise, or who shall do any act pertaining thereto, without having first obtained such license. And the amount of such license shall be determined by the mayor and councilmen. License tax

Sec. 26. Be it further enacted, That the mayor and councilmen shall have the power to prevent horses, mules, cattle, hogs, sheep, goats and geese from running at large within the corporate limits of said town; and to this end they may prescribe such penalties for the violation of the laws and ordinances prohibiting such stock and fowls from Prevent stock from running at large

ordinances they may adopt as in their judgment may be necessary to prevent such freedom to the stock and fowls specified; and they shall have the power, if such fines and penalties as they may prescribe, for a violation of the laws and ordinances prohibiting such stock and fowls from running at large, are not presently paid, or secured, to provide for the sale of such stock so permitted to run at large, for a payment of the same: Provided, That no stock shall be sold under the provisions of this section, or the ordinances and laws made in pursuance thereof, until the owner of such stock shall be notified personally, of the time and place of sale, if he be in the town, or such notice be left at the place of his residence, if in the town, at least one day before the sale; and if the owner be not, and does not reside in the town, it shall then be the duty of the marshal to give written notice of such sale by posting the same at three public places in said town at least five days before such sale, which notice shall, in either case, contain a description of the stock by ear and flesh marks, and also the time and place of sale.

Water works,
etc

Sec. 27. Be it further enacted, That the mayor and councilmen of said town shall have authority, by ordinance, to establish and maintain a system of water works for the use of the town and the citizens thereof, and other persons, and to regulate the supply and price to be charged for the use of water and its consumption; to establish and maintain a system of sewerage and drainage for said town; and to establish a system of electric or gas lights for said town, or to provide the said town with lights in any other way they may deem proper, and to regulate the use of such lights and the prices thereof.

Powers

Sec. 28. Be it further enacted, That the mayor and councilmen shall have power and authority, by ordinance, to appropriate money and provide for the payment of the debts and expenses of the town; to make regulations to prevent the introduction of contagious diseases into said town; to make quarantine laws for that purpose, and to punish viola-

tions of the same; to provide for the prevention and extinguishment of fires, and to organize, establish and maintain a fire company; to open, alter, abolish, widen, extend, grade, or otherwise improve, clean and keep in repair the streets, alleys and public highways in said town; to erect all buildings necessary for the use of the said town; to regulate and restrain the carrying on of manufacturies dangerous in producing fires; to regulate the storage of explosive or inflammable materials; to condemn private property for the uses of the town; to punish all persons obstructing the marshal, or any other officer of the town, in making arrests, or executing any process of the town, or in performing any of the duties conferred on said officer by this act; to punish all persons who, when called upon to aid in making arrests or executing legal process, shall fail to give such aid, or when summoned to act as patrol refuses to act; but no person being so summoned or called upon, shall be liable to punishment therefor, or subject to civil suit for, provided he did no more than was necessary to effect the arrest or discharge his duty; to punish all persons violating any of the laws and ordinances of the said town; to establish, maintain and carry on a public school system for said town, and to that end to appropriate money for the erection of a school building, and the employment of teachers for that purpose, and maintaining said school.

Sec. 29. Be it further enacted, That the marshal shall be entitled to a fee of one dollar for each arrest made by him, where the party is convicted, and the costs collected, or secured, to be taxed against the defendant as costs, and collected from him and paid to the marshal; the mayor and clerk shall each be entitled to a fee of fifty cents for each conviction, to be taxed against the defendant and collected from him as other costs, and when collected by them to be turned into the town treasury.

Sec. 30. Be it further enacted, That the mayor and the councilmen, or the councilmen, as the case may be, shall have power to remove from office, the mayor or clerk, for drunkenness, embezzlement of

Powers

Fees

Removal
from office

the public funds of the town, neglect of or failure to discharge the duties of their respective offices, or grossly immoral conduct, or any infamous crime; and the vacancy caused by such removal shall be filled as other vacancies are filled under this act.

Forms

Sec. 31. Be it further enacted, That the mayor and councilmen shall have the power to prescribe the form of legal process of the town, and of all bonds, and to regulate the issuance and the time for the return of all executions.

May issue

bonds

Sec. 32. Be it further enacted, That the mayor and councilmen of said town be, and they hereby are, authorized to issue bonds of said town, to an amount not to exceed the sum of ten thousand dollars, or so much thereof as the mayor and councilmen may deem necessary for the purpose herein-after named, and in such denominations, not to be less than one hundred dollars, nor more than one thousand dollars, as the mayor and council may determine, and payable twenty years from the date of their issuance, with interest coupons attached, at a rate not to exceed five per centum per annum, and payable in gold, semi-annually, to bearer. The bonds issued under this act shall be signed by the mayor and counter-signed by the clerk and treasurer of said town, and the seal of the said town shall be affixed thereto; and said town is hereby authorized to have a seal of such design as may be determined by the mayor and councilmen, and to change the same at will. And the clerk and treasurer shall keep a correct register of the bonds issued under the authority of this act, with the dates of the issuance and disposal of the same. The mayor and council are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted, and no technical informality, irregularity, neglect or omission in the proceedings or records of the mayor and council shall in anywise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper, and after maturity thereof shall be receivable for all dues to said town of whatever kind:

Sec. 33. Be it further enacted, That the bonds herein provided for, shall have priority over all bonds of said town which may be hereafter issued, and it shall be the duty of the mayor and council to provide a sinking fund for the payment of the same, principal and interest, when due. The mayor and council shall have the authority to sell said bonds at bar, or face value, and to apply the proceeds of the sale thereof to the establishment and maintenance of a system of water works for said town, to the establishment and maintenance of a system of sewerage for said town, to lighting said town, as in this act provided; and to the establishment and maintenance of a public school system for said town, either or all, as they may see fit. The use, payment and application of the money arising from the sale of the said bonds, shall be under the direction of the said mayor and councilmen; and the said clerk and treasurer shall be responsible therefor, it being his duty to keep the same; and he shall disburse the same according to law; but there shall be no commission paid to said clerk for disbursing the funds arising from the sale of the said bonds.

Priority

Sec. 34. Be it further enacted, That no ordinance or law of said town created or passed by the mayor or council thereof, shall go into effect and be operative until due notice thereof shall have been given for ten days, by posting written notices thereof, with a copy of the law or ordinance, at three public places in said town, one of which shall be near the postoffice in said town.

When laws go
into effect

Sec. 35. Be it further enacted, That all assessments of taxes which have been made in said town under its present charter, shall remain valid and be collected, as provided by laws of force in said town at the time of such assessment.

Present laws

Sec. 36. Be it further enacted, That any person convicted of a violation of any of the ordinances of said town who shall feel aggrieved thereat, may appeal from the judgment of such conviction within five days therefrom, to the Circuit Court of Dale county, Alabama, upon the execution of a bond in

Appeals

such sum as may be approved by the mayor, conditioned that he will pay such judgment as may be rendered against him by such Circuit Court, and the costs of such appeal, to the next term of the Circuit Court for Dale county, Alabama.

Laws in
force

Sec. 37. Be it further enacted, That all the ordinances and laws now in force in said town, except the act of incorporation thereof, shall remain and continue to be of force, until repealed by the mayor and council.

Repeal

Sec. 38. Be it further enacted, That an act entitled "An act to incorporate the town of Pinckard, in the County of Dale, and State of Alabama," approved February 21st, 1893, and all acts amendatory thereof, be, and the same are, hereby repealed.

Approved February 8th, 1899.

No. 294)

AN ACT

(H. 385

To fix and regulate the fees of justices of the peace and notaries public, with justice jurisdiction, in so far as the same applies to Calhoun and Hale counties, Alabama.

Fees in civil
cases

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, justices of the peace and notaries public, with justice jurisdiction, in and for the County of Calhoun and the County of Hale, shall be, and hereby are, entitled to receive the following fees in civil and criminal proceedings, to-wit: Fees in Civil Cases: For summons, and proceedings thereon to judgment, one dollar; for warrant in quitam cases, and proceedings thereon to judgment, one dollar; for subpoena, for each witness, twenty-five cents; for execution, and taxing cost thereon, seventy-five cents; for attachment bond and affidavit, one dollar and fifty cents; for each writ of attachment, fifty cents; for summoning garnishee and taking examination, one dollar; for

entering each judgment, twenty-five cents; for each order of sale, fifty cents; for each venire facia, one dollar; for each appeal, or certiorari, including bond and certificate of proceedings, one dollar; for every other bond, fifty cents; for administering an oath and certifying the same, fifty cents; for every certificate, not otherwise provided for, fifty cents; for each judgment on summary proceedings, one dollar; for judgment on forthcoming stay, or replevin bond, fifty cents; for attending trial of right of property, one dollar and fifty cents; for each scire facias, or notice in the nature thereof, fifty cents; for making return of certiorari, other than in cases of forcible entry and detainer, and of unlawful detainer, fifty cents; for every summons, in cases of forcible entry and detainer and of unlawful detainer, seventy-five cents; for presiding on trial, one dollar and fifty cents; for administering oath or affirmation, ten cents; for entering judgment, twenty-five cents; for each writ of restitution, twenty-five cents; for return or appeal or certiorari, one dollar; for docketing each cause in any case, ten cents. Fees in Criminal Cases: For each complaint, fifty cents; for warrant of arrest, seventy-five cents; for search warrant, one dollar; for each bond or undertaking of accused, seventy-five cents; for each bond or undertaking of witness, twenty-five cents; for each subpoena, twenty-five cents; for commitment, of defendant to jail, fifty cents; for each order of continuance, twenty-five cents; for certifying costs to Circuit, City or County Courts, twenty-five cents; for each execution for costs, twenty-five cents; for certifying proceedings on appeal, twenty-five cents; for each judgment on forfeiture bond or undertaking, fifty cents; for each trial of offence, two dollars; for each preliminary examination, two dollars.

Fees in criminal cases

Approved February 8th, 1899.

No. 295)

AN ACT

(H. 430)

To further regulate and fix the fees of justices of the peace and notaries public, ex officio justices of the peace in criminal cases or proceedings in Greene county.

Section 1. Be it enacted by the General Assembly of Alabama, That in addition to the fees prescribed and fixed by the Code of Alabama of 1896, justices of the peace and notaries public, ex-officio justices of the peace, in and for Greene county, shall be authorized and empowered to charge and collect a fee of two dollars for holding and hearing every preliminary examination, which fee shall be taxed and collected as other fees are taxed and collected in such cases.

Fee for preliminary examination

Approved February 7th, 1899.

No. 296)

AN ACT

(H. 596)

To repeal an act entitled "An act to amend Section 1 of an act entitled 'An act to provide for the making and maintaining a school district known as the Ashford School District, in Henry County, Alabama,' approved February 18th, 1897.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "An act to amend section 1 of an act entitled 'An act to provide for the making and maintaining a school district, known as the Ashford School District, in Henry County, Alabama,' approved February 18th, 1897, be, and the same is, hereby repealed.

Repeal

Approved February 7th, 1899.

No. 297)

AN ACT

(H. 616)

To constitute a board of jury commissioners for Crenshaw county.

Section 1. Be it enacted by the General Assembly of Alabama, That the probate judge, sheriff and clerk of the Circuit Court of Crenshaw County be, and are hereby, constituted a board of jury commissioners for Crenshaw county, and shall perform all and singular the duties now required by law of the Court of County Commissioners, with reference to the drawing of juries, grand and petit, for the County of Crenshaw.

Board of jury
commission-
ers

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act, be and the same are hereby, repealed.

Repeal

Approved February 7th, 1899.

No. 298)

AN ACT

(H. 622)

To create a new charter for the town of Heflin, in Cleburne County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the town of Heflin, in Cleburne county, Alabama, shall be, and constitute a body politic and corporate by the name of the Town of Heflin, and by that corporate name may sue and be sued, grant, receive, and do all other acts as natural persons in respect to the power herein granted; may purchase and hold real estate, personal and mixed property, and dispose of the same for the benefit of said town, and may have and use a town seal, which may be altered at pleasure.

Name

Rights

Sec. 2. Be it further enacted, That the corporate limits of said town shall begin at a stone corner placed on the north side of, and twelve feet east of the residence of B. F. Owens, and run thence

Corporate
limits

west of south fifteen hundred yards, the course being fifty-three and one-half degrees west of south, thence fifty-three and one-half degrees south of east thirteen and twenty hundred yards, thence east parallel with north line fifteen hundred yards, thence north parallel with west line thirteen hundred and twenty yards, to the beginning corner.

Government

Sec. 3. Be it further enacted, That the government of said town shall consist of and, its corporate powers shall be exercised by a mayor, four councilmen and a clerk, all of whom shall be elected by ballot, on the first Saturday after the first Monday in January, eighteen hundred and ninety-nine, and all elections thereafter to be held under this charter shall be held on the first Monday in December, by the male inhabitants of said town, who are qualified electors, under the laws of this State, who have resided therein for thirty days next preceding such elections. Said election shall be held under the direction of the mayor and marshal of said town at some convenient place in the said town of Heflin, to be selected by the mayor and marshal, the balloting shall be done in the same manner that it is done in general elections in this State. The mayor and marshal shall give at least ten days' notice of the time and place of holding said election, by posting printed or written notices at two or more public places in said town, and shall appoint three inspectors and one returning officer to conduct said election. Said election shall be conducted in the same manner as elections are conducted under the general laws of this State. The inspectors shall certify the result of said elections, and the returning officer shall make return to the mayor, who shall declare the result of the election; and the mayor shall give to the persons elected certificates of election. The persons so elected, before entering upon the discharge of their duties, must take and subscribe an oath, before the mayor of said town, to discharge faithfully and without favor or partiality, the duties of their respective offices, which oath shall be recorded by the clerks in the minute book of said town. Should the mayor

Election

of said town be re-elected as his own successor, he may take the oath of office before any officer in Cleburne county authorized to administer oath. The mayor and councilmen, and clerk, shall continue in office when elected under the provisions of this charter, for two years, and until their successors are elected and qualified. If, for any cause, said election should not be held on the first Saturday after the first Monday in January, 1899, and on the first Monday in December thereafter, as herein provided for, it shall be the duty of the sheriff of Cleburne county, upon the application of any three electors residing within the corporate limits of said town, and entitled to vote in such elections, to order an election, appoint inspectors and returning officers, and give the notice prescribed in this section, and such elections shall be held and conducted, and returns made, in all respects as provided in this section; that in case of a tie in any election ordered by the sheriff as herein provided, the sheriff shall have the right, and is herein empowered, to give the casting vote.

Sec. 4. Be it further enacted, That no person shall hold the office of mayor, councilman or clerk of said town, who has not resided therein one year next preceding his election.

Qualification
for office

Sec. 5. Be it further enacted, That the ballots cast at any election held under this act shall, after being counted, be carefully sealed up, with the poll list kept at such election, and labeled, and shall be by one of the inspectors kept, without being opened, for twenty days after said election is held; and then, if there be no contest instituted for any of the offices filled by such election, they shall be burned without being opened; but in the event of a contest, they shall be delivered to the judge of the Court trying the same.

Ballots

Sec. 6. Be it further enacted, That any election held under this act may be contested for any of the grounds for contesting elections under the general laws of this State to contest elections; such contest shall be tried before the judge of probate

Contests

of Cleburne county, Alabama, and shall be governed by the general laws of Alabama providing for the contest of justice of the peace, constables or other offices filled by the vote of a single county, as far as the same are applicable; provided, such contests are instituted within twenty days after such election.

Vacancies

Sec. 7. Be it further enacted, That if the mayor, or any councilman or clerk, during his office, and after qualifying, shall die, resign or remove from said town, refuse to act or be permanently disabled from acting, the remaining members of the board shall elect in his stead, if mayor, one of their number; if councilman, another councilman from the citizens of said town; or if the clerk, in the same manner that a councilman is elected; such citizen as is elected to fill such vacancy shall have the qualifications prescribed in the 4th section of this act, and the person so elected shall continue in office during the remainder of the term, and until their successors are elected and qualified; and if any person elected to the office of mayor, councilman or clerk, under any of the provisions of this act, shall fail or refuse to qualify within twenty days after their election, the remaining members of the board shall elect, in his stead, if mayor, one of their own body, or if councilman or clerk, some person having the qualifications prescribed in the fourth section of this act, who shall continue in office during the remainder of the term, and until their successors are elected and qualified; and in filling the vacancies in any office, as provided for in this section, the councilmen shall be the judge of the qualifications of the mayor, and the mayor and acting councilmen shall be the judge of the qualifications of a councilman or clerk.

Quorum

Sec. 8. Be it further enacted, That a majority of the board of mayor and councilmen shall constitute a quorum for the transaction of business; they shall fix their own sessions and special meetings of the board may be called by the mayor at his option, or by any two of the councilmen. In case of sickness or temporary absence of the mayor, the

councilmen may appoint any one of their own number to act as mayor pro tem, and such mayor pro tem. shall exercise all the powers and perform all the duties of mayor; but the mayor or any councilman, or the clerk, shall not vacate his office by any temporary absence from the town or State.

Sec. 9. Be it further enacted, That it shall be the duty of the mayor to preside at all meetings of the council; to cause to be kept by the clerk, in a well bound book, kept for that purpose, a minute of the proceedings; and he shall have jurisdiction of every violation of the laws and ordinances of said town, and to try, convict and punish the persons committing the same, by fine and imprisonment in the town prison, one or both, in his discretion. He shall also have the jurisdiction of a justice of the peace in all matters criminal arising within the corporate limits of said town.

Duties of
mayor

Sec. 10. Be it further enacted, That the mayor and councilmen shall have power to employ a marshal, night watchman and such other officers or agents as they may deem necessary for the good government of said town; to define their duties and fix their compensation, and to require of them good and sufficient bonds, with sureties, for the faithful discharge of their duties; and to suspend, remove or discharge such employes when they see fit so to do, or when their services are no longer needed. The marshal shall be employed by the mayor and councilmen at the first regular meeting after their election and qualification; and the marshal and night watchman and such other officers or agents as may be employed by the mayor and city council under this charter, shall serve in their respective capacities in which they are employed, until they are removed or discharged by the mayor and city council; provided further, that the majority of the mayor and city council shall be sufficient to employ, discharge or remove any marshal, night watchman, or any agent employed under this section.

Police

Sec. 11. Be it further enacted, That the mayor and councilmen shall have the power to employ a

Public
weigher

public weigher, and to fix his compensation, and define his duties; he shall be employed at the same time and in the same manner that the marshal is employed, and may be removed in the same manner that is prescribed in the preceding section for removing the marshal.

Duties of
clerk
Record

Sec. 12. Be it further enacted, That the town clerk shall keep a regular record of all the proceedings, orders, regulations and ordinances of the board, signed by the mayor or presiding chairman; but all ordinances shall be approved by the mayor, and in case the mayor shall fail to approve any ordinance enacted by the council, he shall return the same to the council, with his objections entered thereon; and if two-thirds of the councilmen shall vote in favor of the ordinance, it must become a law, and the mayor must approve the same; but before any ordinance can go into effect, it must be published, or posted ten days in three public places in the said Town of Heflin; but if published in a newspaper published in the Town of Heflin, it shall be inserted twice in such newspaper, and the fees of such publication shall not exceed fifty cents per one hundred words for each insertion; the ordinances shall also be recorded by the clerk in a book kept for that purpose; and when so recorded, such record shall be received in evidence in any Court of record or elsewhere in the State, and have the same force and effect in such Courts or elsewhere as the original ordinance would have; and in case where said record can not be obtained, a copy of the same, certified by the mayor of said town, shall be received as evidence in all cases in which the original ordinance would be admissible, and have the same effect as the original would have. The mayor shall keep all records of said corporation in his office, and they shall, at all times, be open for inspection.

Authority of
marshal

Sec. 13. Be it further enacted. That the marshal shall have authority, without warrant, to arrest all offenders breaking the peace or violating an ordinance or law of said town, and bring them before the mayor, or imprison them, or require bond and

security of them for their appearance before the mayor, as the ordinance of the said town may direct; and he may summons as many citizens of said town to aid him in the discharge of his duties as he may deem necessary, and any citizen having no lawful excuse, and refusing to obey such summons, shall be fined, or fined and imprisoned, in the discretion of the mayor of said town; and he shall direct all repairs on the streets, alleys, sidewalks, bridges and other public works of the town under the direction of the mayor and councilmen; and he shall collect all taxes on real and personal property, or other taxes due said town, when required by the mayor and councilmen to do so, and to execute, by levy and sale, if necessary, all process issued by the mayor or clerk for taxes, fines, forfeitures and other dues owing to said town; and to discharge such other duties as may be required of him by the laws and ordinances of said town. He shall also be authorized to execute all process issued by the mayor of said town as justice of the peace, and his acts in regard to serving and executing such process shall be valid to all intents and purposes.

Sec. 14. Be it further enacted, That the mayor and councilmen of said town shall have full power and authority to make and adopt by-laws and ordinances to carry out the provisions herein granted, and for the good government and order of the town, as they think proper; and generally, and in addition to the powers herein specifically enumerated, which are no limitations upon the powers included in this general grant of powers, to ordain and pass such ordinances and by-laws not inconsistent with the laws of this State, as shall be needful for the government, politics, interest, welfare and good order of the town; and to affix thereto such penalties for violations of the same, by fine, not exceeding fifty dollars, and by imprisonment or hard labor for the town not exceeding six months, and all persons convicted of any breach of the by-laws or ordinances of the town, failing to pay or secure such fine, may be imprisoned for such failure, or placed Powers

Powers

at hard labor for the town, until such fine and costs are paid, in such manner as the board may direct, not exceeding six months: Provided, That any person may have the right to give a stay bond, with two good and sufficient sureties, to be approved by the mayor, to pay such fines and cost within sixty days from the judgment imposing the same; but if after such bond and surety are given, such fine and costs be not paid within sixty days, execution to collect the same may be issued against the obligors on said bond. The mayor and council may pass all such laws as are needful to compel persons to work in the streets and alleys and sidewalks of said town or elsewhere in the town, who refuse to work when under the mayors sentence for violating any town ordinance or by-laws, but no female must be punished by subjecting her to work on the street. 2nd. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said town and to preserve the health thereof. 3rd. To prevent and remove all nuisances at the expense of the owner of the property or where the same is in possession of another than the owner, then at the expense of the person in possession of the premises; to remove all decayed and dilapidated walls, houses and structures calculated to produce disease, or dangerous or unfit for habitation, or dangerous to the public, at the expense of the owner of the same, when the owner fails or refuses for five days after the notice shall have been given him in writing by the mayor to remove or renovate or repair such walls, houses or structures, as the case may be, they shall be removed at the expense of such owner or tenant. 4th. To license, tax, regulate or restrain theatrical or other amusements; to license and regulate the selling and retailing or giving away spirituous, vinous or malt liquors. 5th. To prohibit gambling, gaming houses, houses of ill fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize fighting, cock fighting, shooting fire arms within the corporate limits of said town and anything else hurtful to the good order

and morals of society, and all misdemeanors as defined by the Code of Alabama. 6th. To employ day and night watchmen and police. 7th. To establish, regulate and control market or market houses, and to pass by-laws for the sale of meats and vegetables and other like articles. 8th. To open all streets and alleys as laid down on the map of said town, and to open and locate streets and alleys in any addition to said town, where the same are not shown on the map, and to regulate such streets and alleys or any part or parts thereof, to establish pavements, and sidewalks and curb and grade them and regulate the same. 9th. To establish and maintain free public schools within the corporate limits of said town and provide for the government of the same. 9½. To establish and build drains and sewers and regulate the same. 10th. To compel all male citizens of said town, between the ages of eighteen and forty-five years, to pay a street tax of three dollars per annum; provided, that any person may be allowed to discharge the same in labor on the streets at the same price that is paid other persons per day for such work; and provided, that no person elected to any office in said town shall be exempt from such street tax who is not exempt under the road laws of this State, and the citizens of said town shall be exempt from public road duty. 11th. To lay out, regulate and control the towns cemetery and burial grounds. 12th. To prevent the running at large on the streets of all dogs, cows, horses, hogs, or other animals, and to pass all ordinances necessary for the impounding and sale of such animals on proper notice to the owners of the same. 13th. To regulate and control the running of cars on or across the streets and alleys of said town, and to control the speed of locomotives and cars in said town. 14th. To pass all necessary ordinances and proper by-laws for the arrest of all offenders against the town ordinances, with or without warrant, and to confine such persons until tried and convicted or discharged. 15th. To pass all laws and ordinances in relation to auctioneers plying their vocation on the

Powers

Powers

streets, and to prohibit or regulate the same. 16th. To make and ordain all necessary laws and ordinances concerning idlers, tramps, paupers, prostitutes, gamblers and all other disorderly or vicious persons, in correcting or restraining their vicious criminal habits and to compel such persons to give bond and security for their behavior for a reasonable time, or upon failure or refusal to give such bond and surety, they may be committed to hard labor for the town or imprisoned in the city prison for such time as may be fixed by the mayor and councilmen. 17th. To punish all persons who obstruct the marshal or other officers in the arrest of any person in said town or in the lawful discharge of any duty in said town, and to punish all persons who when called upon to aid any officer in the discharge of his duties, shall fail or refuse to give such aid. 18th. To regulate the storage of commercial fertilizers, gun powder or other offensive or dangerous substance, when kept for sale in said town. 19th. To supply the town with pure water, and the corporate authorities may exercise the right of eminent domain outside of the town limits for this purpose when necessary. 20th. To punish injuries to the streets, sidewalks, trees and to public and private property in said town. 21st. To condemn private property for use of said town and to pass all ordinances and by-laws necessary to carry this sub-division into effect.

Sec. 15. Be it further enacted, That the mayor and councilmen of said town shall have full power and authority to levy and collect a license tax upon any business, trade or profession, carried on in said town. Provided, That the maximum amount of such license or tax shall not exceed the following: Architects and contractors on building, ten dollars; auctioneers, each twenty dollars; billiard or pool tables each, ten dollars; bowling alleys, each, twenty dollars; buggies, wagons, carts or carriages, not manufactured in said town, dealers in, ten dollars; brick yards or dealers in brick, each, five dollars; cane, knife board, striking machine or device of like kind, each, fifteen dollars; cabinet makers or

Powers

proprietors of wood or blacksmith shops, each, five dollars; carts, drays or wagons—one horse or ox—five dollars; two horses or oxen, ten dollars; circusses, each performance, twenty dollars; confectioners and fancy grocers, each, five dollars; contractors, each employing one or more workmen, each, five dollars; cotton buyers, not including merchants who pay merchants tax, each, ten dollars; concert, musical entertainments, not otherwise provided for, or when charges are made for admission, or for the participation in any exercise or entertainment, not for charitable, religious or school purposes, each, three dollars; druggists and apothecaries, each, twenty dollars; drovers or dealers in horses or mules, other than liverymen who pay license tax, each ten dollars; exhibitions of legerdemain or slight of hand performances, or other exhibitions of like kind, each performance, five dollars; engines, stationary, used for propelling any mill, gin, saw mill or other machinery, each, ten dollars; express companies, carrying express past Heflin to any other place, or bringing express from any place to Heflin, each, ten dollars; dealers in commercial fertilizers, other than merchants who pay a license tax, each, ten dollars; gun repair shops, each, five dollars; hotels, keeping transient guests, each, twenty dollars; insurance agents, life or fire, each, five dollars; itinerant traders, by sample, except commercial traveling salesmen, each, five dollars; printing offices, each, five dollars; lunch stands or restaurants, each, five dollars; lawyers, physicians and dentists, each, five dollars; lightning rod agents, each, ten dollars; livery or sales stables, each, twenty dollars; liquor, wholesale dealers, each, one hundred dollars; machinery or agricultural implements, when principal stock in trade, each, ten dollars; merchant tailors, or their agents, each, five dollars; millinery establishments, each, five dollars; peddlers on foot, each, five dollars; peddlers, one horse, each, ten dollars; peddlers, two horses, each, twenty dollars; dealers in pistols or pistol cartridges, whether principal stock in trade or not, each, ten

Powers

dollars; playing cards, dealers in, each, five dollars; public weighers, each, five dollars; private boarding houses, kept for profit or as business, except where students at school are taken exclusively, each, ten dollars; railroad commissary or grub car, whether run by railroad or individual, twenty dollars; real estate agents or brokers renting or selling real estate, each, ten dollars; reporters on standing and credit of business men, each ten dollars; sewing machine agents, not including merchants who pay license tax, each, ten dollars; telegraph companies sending messages from or receiving messages at Heflin, ten dollars; transient physicians or vendors of patent medicines and spectacles, each, five dollars; undertakers, each, five dollars; watchmakers and jewelers, each, five dollars; keeping stud horses, jacks and bulls for services for a reward, each, five dollars; each stove, range or clock company, or their agents, each, ten dollars, except merchants or jewelers who pay a license tax; each person or firm engaged in merchandising, twenty dollars; each shoemaker, harness maker or saddler, five dollars; cotton weigher, each, twenty dollars; dry kilns, lumber yards and planing mills, each, ten dollars: Provided, That when, in the judgment of the mayor and councilmen, a less amount than the maximum license above required will be sufficient it shall be competent for the mayor and councilmen to reduce the amount required for license as above stipulated, but in doing so the license required of all the several callings herein above specified shall be reduced proportionally; and provided, further, that retailers of vinous, spirituous or malt liquors or intoxicating bitters, shall be required to pay a license tax of five hundred dollars for each year or fractional part of a year, which said money shall be paid in cash to the mayor of the Town of Heflin, at the time said license is applied for or issued, and said mayor and the authorities of said town shall not have the right to extend any credit in the matter of the payment of said license or accept any note or security therefor or anything else save lawful money of the United States; and,

provided, further, that any applicant for a license to retail vinous, spirituous or malt liquors or intoxicating bitters within the corporate limits of the Town of Heflin who shall show to the mayor or proper officials of said city that a license for this purpose has been issued to him by the probate judge of said county in accordance with the State laws in force in Cleburne county in such cases inade and provided shall be entitled to have issued to him a license from the municipal government of Heflin and by the mayor of said city upon the payment of the amount above stipulated for said license; and provided, further, that any violations of the provisions of this section on the part of the officers of said city whose duty it shall be to issue said license, shall be a misdemeanor punishable by fine not exceeding five hundred dollars.

Sec. 16. Be it further enacted, That the mayor Penalties and councilmen may by ordinance impose such fines and penalties within the limitations of this act, as they may deem advisable for the doing of any business, or carrying on any trade or practicing any profession by any party who shall fail to take out a license provided for in this act: Provided, That no tax shall be levied on persons selling country produce, fowls, live stock or meats grown or raised by such persons.

Sec. 17. Be it further enacted, That the mayor Taxation and councilmen shall at their first regular meeting in each year, make an estimate for the expenses for the current year and fix the rate of taxation, the price of license, and shall cause the same to be published in the same manner that the ordinances of said town are published or posted; and that the mayor and councilmen shall on the first of October of each year cause the clerk to make up a statement of their receipts and disbursements of all monies that have been received and expended for the preceding fiscal year, and have the same published or posted in the same manner that the ordinances of said town are published or posted.

Sec. 18. Be it further enacted, That the mayor and councilmen shall have the power to assess and

Taxation

collect ad valorem tax on all real and personal property owned or held by any person within the corporate limits of said town, not to exceed one-half of one per centum: Provided, That no property exempt from taxation by the laws of this State shall be taxed by the corporate authorities of said town; and provided, further, that the valuations of such real and personal property shall not exceed the valuations as assessed for State taxations during the preceding year, which tax shall be laid and assessed in the manner following, to-wit: The town clerk performing the duties of the assessor, as hereinafter provided for, must make and enter in a book suitably ruled and substantially bound, a full and complete assessment book of the tax assessor of Cleburne county, showing and containing all the property and the owners thereof subject to taxation in the Town of Heflin, which when computed, shall be delivered to the mayor of said town, and the said mayor and councilmen shall assess a tax not exceeding one-half of one per centum of the value thereof, as hereinbefore provided for, and shall enter such assessment on the said book, together with the names of the persons liable to taxation, and the presiding officer of said board shall certify on the book of the assessment that the same has been examined and allowed by said board and that the amount of town tax is ———, and such certificate shall be the warrant of the marshal of said town to proceed to collect such taxes, which book shall be delivered to the clerk of said town and kept by him open to the inspection of all and every person interested therein.

Street tax

Sec. 19. Be it further enacted, That all male persons under the age of forty-five and over the age of eighteen years shall be subject to a street tax of three dollars per year, and that the said clerk, as assessor, shall also keep and enter into a suitable book a list alphabetically arranged, of all persons liable to street tax in said town, and said book shall be delivered by the clerk, as assessor, to the mayor of said town, on or before the first Monday in March of each year, and said board of mayor

and councilmen shall examine and correct said street tax book, and when completed the mayor shall certify that the same has been examined and corrected by the said board and allowed and that such certificate shall be the warrant of the town the amount of the street tax is three dollars, and marshal to proceed to collect such taxes.

Sec. 20. Be it further enacted, That the mayor and councilmen shall, on the first Monday in March of each year, or as soon thereafter as practicable, proceed to levy and assess the taxes for the current year. Taxes

Sec. 21. Be it further enacted, That the books of assessment and street tax as soon as completed as above provided, by the board of the mayor and councilmen, that the clerk of said town shall enter in a book in a concise form, the amount of taxes assessed against each tax payer, showing separately the amount of taxes on real estate and personal property, and other subjects of taxation, including street taxes, and such book the clerk must turn over to the marshal on or before the day on which taxes become due and payable to the State and county. Duty of clerk

Sec. 22. Be it further enacted, That the taxes levied under this act shall have the force and effect of a judgment at law, against the persons assessed therewith, and for said taxes so levied and all other taxes authorized by this act, the Town of Heflin shall have a preferred lien over all incumbrances and security whatsoever except county and State taxes, and all the taxes against property of any person under this act, or for which such person may become liable for the current year, shall be a lien upon the real and personal property of such person within said town of Heflin from the first day of January of that year, or if brought therein after that time, the lien shall attach from the time it was brought into said town. Lien for taxes

Sec. 23. Be it further enacted, That as soon as the marshal shall receive said tax books he shall notify the public in the same manner that is pro- Duties of marshal

vided for the publication of ordinances of said town, that he is ready to receive payment of taxes.

Sec. 24. Be it further enacted, That after thirty days have elapsed from the publication of such notice the marshal shall make a personal demand on delinquents or their agents charged with the duty of paying their taxes wherever they may be found, for their taxes, and whenever unable to find them, he shall leave a written or printed notice at the place of residence or business of such tax payers or agent charged with the duty of paying their taxes, requiring them to come forward and pay such taxes immediately, and it shall be the duty of such delinquents forthwith to make payment of their taxes to the marshal at his office, but no demand or notice shall be necessary to tax payers who are non-residents of the town.

Levy and sale Sec. 25. Be it further enacted, That all taxes levied under this act, which are not paid at the end of ninety days from the publication of the notice required in this act, shall be in arrears and delinquent from that date, and after the expiration of the said ninety days the said marshal may levy upon and seize any personal property, if there be any, and if there be none, or not sufficient personal property, then he may levy upon the real estate of such delinquent taxpayers: Provided, That a failure to levy on and sell personal property for taxes shall not vitiate the sale of real estate of such delinquent taxpayer for taxes and cost of sale, and no personal property shall be subject to redemption, and no property shall be exempted from levy and sale for the payment of the taxes and charges lawfully incurred in their assessment and collection.

Notice, etc Sec. 26. Be it further enacted, That when real estate is levied on for taxes, notice of the sale shall be given twenty days before the sale in some newspaper published in Cleburne county, and the land so levied on must be described by its lot and block numbers, as shown on the map of Heflin, now of record in the office of the probate judge of Cleburne county, Alabama, and the sale of such property shall take place in front of the mayor's office in Heflin, on the day indicated in the notice.

Sec. 27. Be it further enacted, That when the marshal shall sell any real estate for taxes he shall give the purchaser of such property a certificate of purchase; and it shall be the duty of the marshal to keep a well bound book, in which he shall record all certificates of purchase issued by him. Any real property sold under this act may be redeemed, by the owner or judgment creditor or any person interested therein, within two years after said sale by paying the Town of Heflin the amount of purchase money and all subsequent taxes and costs that may have been paid by the purchaser; and interest at the rate of ten per cent. per annum, and thereupon shall receive a certificate of redemption therefor. After the expiration of two years from the date of the sale, the marshal then in the office shall, upon application of holders of certificates of purchase, make out a deed to each lot or parcel of land sold and unredeemed, and deliver the same to the purchaser, or his assignee, upon the return of the certificate of purchase, payment of all subsequent taxes on the property and one dollar to the marshal for the deed, such deed shall be signed by the marshal in his official capacity and acknowledged by him before some officer authorized and recorded shall vest in the grantee all rights, titles and estates of former owners, free from all incumbrance made or suffered by them, except State or county taxes. Such deed shall be prima facie evidence in all courts in this State, in all controversies and suits in relation to the rights of the grantee therein to the land conveyed, of the facts recited in such deed, of the regularity of all proceedings in assessment or sale of such property required by this act, and of the title to the grantee, his heirs and assigns. An infant or lunatic entitled to redeem land under this act may redeem at any time within one year after the removal of his disability.

Record

Right to
redeem

Sec. 28. Be it further enacted, That the mayor and councilmen of said Town of Heflin, be, and they are hereby authorized to issue bonds of said

May issue
bonds

town of Heflin to an amount not to exceed five thousand dollars (\$5,000) or so much thereof as the board may deem necessary, for the purpose herein-after named, in sums of not less than one hundred dollars (\$100) nor for more than five hundred dollars (\$500) each and payable at such times and place as said board may designate, not to exceed fifteen years from the date thereof and redeemable at the pleasure of said board of mayor and councilmen of said town, any time after the period of ten years, which bonds shall have coupons attached, and the interest thereon shall be payable semi-annually and they shall be the first mortgage bonds upon all property created by the proceeds arising from their sale. The rate of interest shall not be greater than eight per cent.

Signed by

Sec. 29. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said Town of Heflin, and the sale of said town shall be affixed thereto, and the treasurer is required to keep a record of all the bonds issued under this act; and the treasurer shall be responsible for the safe keeping of all the proceeds arising from the sale of said bonds, which may come into his hands in his official capacity, the same as for other town funds or money in his hands as treasurer, and there shall be no commissions paid said town treasurer for receiving and disbursing the funds arising from the sale of the bonds named in this act.

Authority of
mayor and
council

Sec. 30. Be it further enacted, That the mayor and councilmen of the said Town of Heflin are hereby empowered and authorized to do any and all things that may be necessary to carry out the powers herein granted, either through themselves or by an agent or agents, duly authorized or appointed by them for that purpose, at any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, irregularity, neglect or omission in the proceedings or record of said bonds or coupons shall in any wise vitiate or annul said bonds or coupons which shall have all

the protection and property of commercial paper. The bonds issued under this act shall be exempt from county and municipal taxation.

Sec. 31. Be it further enacted, That the mayor and councilmen of said town are hereby authorized and empowered to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than par (one hundred cents on the dollar) and the proceeds of said bonds shall be paid over to and kept by the treasurer, and shall be used and applied to erecting water works in said town, making the necessary improvements therefor, such as propelling power, tanks, pumps and other machinery and pipes to convey water through said Town of Heflin, such use, payment and application of said proceeds shall be under the direction and control, and by authority of said board of mayor and councilmen of the Town of Heflin: Provided, That it shall be unlawful for the said mayor and councilmen, or any member thereof or any officer or officers of said Town of Heflin to apply the proceeds of the sale of said bonds to any other purpose than hereinbefore specified, and any person so offending shall be guilty of a misdemeanor and on conviction shall be fined not more than five hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county not more than six months, one or both, at the discretion of the Court or jury trying the same. Use of proceeds

Sec. 32. Be it further enacted, That any person who is elected to office of mayor and councilmen or clerk, as provided for in this act, shall before entering upon the discharge of the duties of his said office take and subscribe the following oath or affirmation, to-wit: I ——— do solemnly swear or affirm that I will bear true allegiance to the Constitution and laws of the United States and the Constitution and laws of Alabama, so long as I am a citizen thereof, and that I will faithfully perform all the duties which may be required of me as ———, to the best of my knowledge, skill and ability, without Oath

fear, favor or affection, reward or hope thereof, so long as I remain in my said office, so help me God, which oath may be taken and subscribed before any officer of Cleburne county duly authorized to administer oaths.

Appeals

Sec. 33. Be it further enacted, That all cases of appeal from the mayor's Court of said Town of Heflin shall be taken to the same Court that appeals from Justice Courts of Cleburne county are taken and in the same manner that such appeals are taken.

Duties of
clerk

Sec. 34. Be it further enacted, That the clerks, when elected as hereinbefore provided for, shall be ex-officio town treasurer and tax assessor for the said Town of Heflin, and shall perform all and every duty required of him as treasurer and tax assessor of said town.

Compensation

Sec. 35. Be it further enacted, That the compensation of the mayor shall not exceed one hundred dollars per annum and that each councilman shall receive one dollar for each regular meeting of mayor and councilmen of said town: Provided, That no councilman shall receive any compensation for any meetings of the mayor and councilmen which he does not attend. The clerk shall receive the same compensation that is provided for councilmen in this act, and under the same regulations, his compensation as treasurer shall be the same rate of commissions as that allowed to the county treasurer of Cleburne county for like services, and his compensation as tax assessor for said town shall be the same rate of commissions as that allowed the tax assessor for like services.

Present
officers

Sec. 36. Be it further enacted, That the present mayor and councilmen of said town shall continue in office as mayor and councilmen until the first election is held under this charter to wit, on the first Monday after the first Saturday in January, 1899, and until their successors are elected and qualified, and they are authorized and empowered to do any and all acts necessary to carry into full force and effect all the provisions of this act.

Present laws

Sec. 37. Be it further enacted, That all ordinances, by-laws and regulations of said town now

in force, so far as the same are not inconsistent or contrary to the provisions of this act, shall have the same force and effect as if enacted and promulgated under this charter.

Sec. 38. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved February 8th, 1899.

No. 299)

AN ACT

(H. 692

For the preservation of deer, turkeys and partridges in the County of Choctaw.

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act it shall be unlawful at any place in Choctaw county to catch, kill, injure or pursue with such intent any deer, wild turkey, or partridge, between the first day of April and the fifteenth day of November. Game law

Sec. 2. Be it further enacted, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall be, on conviction fined not less than ten nor more than twenty-five dollars, at the discretion of the Court trying the same. Penalty

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed. Repeal

Approved February 7th, 1899.

No. 300)

AN ACT

(H. 693

To protect fish in the Tennessee River in Alabama and its Alabama tributaries.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of

Catch fish
only with
hook and
line

this act it shall be unlawful to seine, trap, net, dynamite or kill with any combustible explosive, or catch or take, in any way other than with hook and line, any fish in the Tennessee river in Alabama and its Alabama tributaries.

Penalty

Sec. 2. Be it further enacted, That any person violating the provisions of Section 1 of this act shall be guilty of a misdemeanor, and on conviction shall be fined not more than twenty-five dollars for each offense, and may also be sentenced to hard labor for the county for not more than three months.

Fee to in-
forming
witness

Sec. 3. Be it further enacted, That the informing witness in the case where a conviction is had under the provisions of section 1 of this act, shall be entitled to one-half the fine imposed in such case. The remaining one-half shall be paid into the county treasury, and applied to the school fund in the county where the conviction is had.

Payment of
fine

Sec. 4. Be it further enacted, That the fine imposed on persons violating the provisions of this act must be paid in currency of the United States of America.

Duties of cir-
cuit judges

Sec. 5. Be it further enacted, That the circuit judges in counties affected by the provisions of this act shall charge the grand jury at each sitting in said counties to inquire especially into the infractions or violations of this act.

Repeal

Sec. 6. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed: Provided, the provisions of this act shall apply only to Madison county.

Approved February 8th, 1899.

No. 301)

AN ACT

(H. 730

To amend Section 3 of an act entitled "An act to establish a new charter for the Town of Clayton, in Barbour County, Alabama," approved February 18th, 1897.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 3 of an act entitled "An

act to establish a new charter for the Town of Clayton, in Barbour County, Alabama, be amended so as to read as follows: Sec. 3. Be it further enacted, That there shall be elected biennially by the qualified electors of said town the following officers, viz: One intendant, five councilmen, a marshal, and a clerk and treasurer, in the manner herein provided. All qualified electors who are qualified under the State law to vote in State and county elections, and who have resided within the limits of said town for a period of ninety days next preceding the election at which they propose to vote, are hereby declared to be qualified electors of the Town of Clayton, and competent to vote in said town election. The next election for intendant, five councilmen, a marshal, and clerk and treasurer shall be held on the first Monday in April, 1899, and each succeeding election shall be held on the first Monday in April, biennially thereafter. The five candidates for councilmen and the candidate for marshal, and the candidate for clerk and treasurer, and the candidate for intendant receiving the highest number of votes shall be declared duly elected. The term of office of the intendant, five councilmen, marshal and clerk and treasurer, shall be for two years from the expiration of the term of the present intendant, and board of councilmen, marshal, and clerk and treasurer, and until their successors are elected and qualified. The officers thus elected shall take the oath and enter upon the discharge of their respective duties on the Tuesday next following the Tuesday after the day on which the election occurs: Provided, however, no contest be instituted; and they shall, in case of contest, take their seats and enter upon the discharge of their respective duties as soon as said contest is determined. No person shall be eligible to the office of intendant, councilmen, marshal or clerk and treasurer, at any election, unless he has been a resident citizen of said town for a period of six months preceding the election at which he is a candidate, and is otherwise qualified as an elector to vote in State and county elections. The board

Election of
officers

of intendant, and councilmen shall, by ordinance, prescribe the manner in which said town elections shall be held, the mode of making and declaring the returns therefor, and the registration of voters for said election, but should it occur that two or more candidates for the same office receive the same number of votes, it shall be the duty of the old board to elect one of said candidates to said office.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 8th, 1899.

No. 302)

AN ACT

(H. 1073

To amend Section 1 of an act entitled "An act to prevent hogs, pigs, sheep and goats from running at large in certain portions of Colbert County, and to provide for establishing certain districts in said county in which said stock may be prevented from running at large."

Stock law
districts

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of said act be amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That thirty days after the passage of this act, no hogs, pigs, sheep or goats shall be allowed to run at large in Brickville, Alexanders, South Florence, Sheffield, Tuscumbia, Spring Valley and Leighton beats, north of the township line between Township 4 and 5, and in Leighton Beat south of said township line and east of the range line between ranges 9 and 10, in Colbert county, and in Prides' beat north of the macadamized road.

Approved February 7th, 1899.

No. 303)

AN ACT

(H. 9

To create the City of Fruithurst, in Cleburne County, including all the territory within two miles of the school house situated within the corporate limits of said city, a separate school district.

Section 1. Be it enacted by the General Assembly of Alabama, That the City of Fruithurst, in Cleburne county, including all the territory within two miles of the school house, situated within the corporate limits of the said city, be, and the same is hereby declared to be a separate school district.

Sec. 2. Be it further enacted, That the public schools within said district shall be under the supervision and control of a board of trustees, consisting of five members, to be elected by the qualified electors residing within said district, as hereinafter provided.

Sec. 3. Be it further enacted, That on the first day of March, 1899, the mayor of the City of Fruithurst shall appoint five trustees of public schools for said district. One of said trustees shall serve for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years and such trustees shall serve for their respective terms and until their successors are respectively elected and qualified; and thereafter one of the said board of trustees shall be elected at each annual election for mayor and councilmen of said city by the qualified electors in said district, whose term of office shall be for five years, and until his successor is elected and qualified.

Sec. 4. Be it further enacted, That no public schools shall be established within said school district, except by the direction of said board of trustees, and the county superintendent of education of said county shall not make or approve any contract with any person to teach a public school within said district, except such as have been employed by the board of trustees, and have made contract with said board of trustees.

School funds

Sec. 5. Be it further enacted, That the said school district shall be entitled to receive for the use and benefit of the public schools therein, the entire poll tax collected from the citizens residing in said district, which, when collected, shall be turned over to the treasurer, elected by the board of trustees of said district, and also shall receive its proportionate share of all other school funds due said county from whatever source accruing; and the same to be applied to the maintenance and support of the public schools of said district, to be paid and disbursed upon the order of the board of trustees, signed by the president thereof and attested by the secretary thereof.

Officers of
board

Sec. 6. Be it further enacted, That the board of trustees of said district shall elect one of their number president of the board, and shall also elect from their number a secretary and a treasurer, and said board shall perform all the duties of township trustees in regard to said school district; and shall direct the payment and disbursements of all moneys appropriated to the public schools within said district, by the corporate authorities of the City of Fruithurst, or from any other source whatever, and the same shall be paid only on the order of the board of trustees, signed by the president thereof and attested by the secretary thereof; and said board of trustees shall perform any and all other acts necessary to be done for the control and maintenance of the public schools of said district; but they shall establish but one school for each of the white and colored races within said district.

Duties

Oath

Sec. 7. Be it further enacted, That each member of the board of trustees shall, before entering upon the discharge of the duties of their office, take and subscribe the same oath that public officers are required to take and subscribe, by the general laws of this State, which shall be filed in the office of the probate judge of said county.

Sec. 7½. Be it further enacted, That the provisions of this act shall become operative immediately after its approval by the governor.

Sec. 8. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed. Repeal

Approved February 7th, 1899.

No. 304)

AN ACT

(H. 81

To incorporate the Town of Enterprise in Coffee County.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the present Town of Enterprise, in the County of Coffee, and State of Alabama, be, and the same are hereby incorporated as the Town of Enterprise, and the corporate limits of said town shall be as follows: Three-fourths of a mile in every direction from public well now in Henry street, forming a circle around said well, and the present and future inhabitants of said town shall be and continue a body politic and corporate under the name and style of the Town of Enterprise; said corporation shall have perpetual succession, shall sue and be sued, plead and be impleaded in all Courts of law and equity, and in all actions whatsoever. May purchase, receive and hold property; real and personal, within said town, and may sell, lease or dispose of the same for the benefit of the town, and may purchase and hold real and personal property beyond the limits of the town for any purpose that the mayor and town council may deem necessary and proper, and may sell, lease or dispose of such property for the benefit of the town to the same extents as natural persons. It shall have and use a common seal and change it at pleasure, and shall have police jurisdiction extending one mile beyond the corporate limits. Incorporated
Corporate limits
Name
Rights

Sec. 2. Be it further enacted, That the government of said town shall be styled mayor and council of Enterprise, and shall consist of a mayor and five councilmen, who shall have been citizens and householders of said town for six months next pre-

Government

ceding the election at which they offer, and shall serve for the term of one year and until their successors are elected and qualified; said officers to be elected by the qualified voters of said town.

Elections

Sec. 3. Be it further enacted, That the regular elections for said offices shall be held annually on the first Monday in March, and shall be conducted by three or more qualified electors, who shall be appointed by the mayor for that purpose, and said mayor so elected shall possess within the corporate limits of said town all the power and jurisdiction of a justice of the peace, and shall have concurrent jurisdiction with the Circuit Court, to try all the misdemeanors known to the laws of the State of Alabama, committed within the corporate limits of said town, and to have all the powers and jurisdiction of a notary public in Coffee county. The mayor and councilmen shall determine the legality of elections, and declare who are the duly elected officers, and in case of a tie shall determine who shall be mayor and councilmen, but the corporation shall not be dissolved should there be no election as herein provided, in which case the mayor, with the consent of the councilmen, shall forthwith order an election to be held on some day within 30 days thereafter. It shall be the duty of the mayor to

Duties of
mayor

preside at the meetings of the town council and to carefully examine all ordinances passed, and should any one of them not meet his approbation, return the same to the regular meeting of the town council with his objections in writing, and no ordinance so vetoed by the mayor shall go into effect unless the same be passed by a majority vote of the whole number of the members of the town council. No bill shall become an ordinance without first having been read one time and passed by a majority vote of the whole number of members of the board of councilmen, and until said bill shall have been signed by the mayor, or without his signature, as provided by this act. The mayor shall be required to veto only such parts of the bill as he may deem objectionable, and may approve the residue of the same bill. If the mayor fails to return any ordi-

nance to the next regular meeting of the town council he shall be deemed to have approved the same, and it shall become a law without further action. The mayor shall have power to make pro tempore appointments to fill vacancies occasioned by sickness, absence or other disabilities of the town officers, and to suspend any town officer, except councilmen, for misconduct in office, neglect of duty, reporting his actions for the reason therefor, in writing, to the next regular meeting of the town council, by whom final action shall be taken. He may, whenever in his judgment the good of the town requires it, call special meetings of the council, and when so called he shall state the object for which it was called, and the business of such meeting shall be restricted to the object so stated. He shall at least once in every three months cause to be presented to the town council a full and complete statement of the financial condition of the town. The mayor shall, from time to time, communicate to the town council such information and recommend such measures as may, in his judgment, tend to the improvement of the finances and general interests of the town. He shall take care that all the ordinances are duly respected and observed within the town, and perform such other duties as may by ordinances be required of him. The compensation of the mayor and other officers shall be fixed by the mayor and council. In case of the absence of the mayor the councilman elected pro tempore shall discharge his duties, and is hereby clothed with authority for that purpose, and in case the mayor's office is vacated by death, resignation or any other cause, the mayor pro tempore shall discharge the duties of said office until his successor for his unexpired term be elected by the town council, and in case of the absence or inability of both the mayor and mayor pro tempore the town council may be called in special session by any member, and one of their number be designated to act as mayor pro tem.

Duties of
mayor

Sec. 4. Be it further enacted, That the mayor and each councilman shall, before entering upon

Oath	the duties of his office, take an oath that he will support the Constitution of the United States and State of Alabama, and will faithfully and impartially discharge the duties of his office. The council shall elect one of their own number to be the presiding officer, to act in the mayor's absence, who shall be clothed with the authority of the mayor
Mayor	pro tem. The town council may determine its
Rules	own rules of proceedings, and prescribe the punishment of its members for non-attendance or disorderly conduct, and enforce the same: two-thirds of its members concurring may expel a member for improper conduct while in office. It shall require a majority of the members of the board to form a quorum for the transaction of business, but a smaller number may adjourn from day to day, and under the provision of ordinance may compel the attendance of absent members by fine and penalty.
Quorum	To enable the town and the council to fully investigate charges against the members or other officers, or such other matter as they may deem proper, the mayor, at the request of the board, is hereby empowered to issue subpoenas and compulsory process to compel the attendance of persons, and the production of books or papers, before the town council, or any committee of the council. The town council shall hold meetings at such times as may be determined, not exceeding two regular stated meetings per month.
Trial of officers	
Meetings	

Taxes	Sec. 5. Be it further enacted, That the mayor and town council of the Town of Enterprise shall within the limitations of this act have power by ordinance to levy and collect on all property, real, personal and mixed, within the corporate limits of said town, such taxes as may be necessary to defray the expenses of said corporation and for such other purposes as the mayor and council may deem proper for the good and welfare of said town, not to exceed the rates prescribed by the Constitution of the State of Alabama, and enforce the same according to the provision of this act; to levy and collect taxes upon all privileges, trades or occupations of not more than one hundred dollars, except on rail-
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roads, express and telegraph companies; to appropriate money and provide for the payment of the debts and expenses of the town and also the debts of the municipal corporation of which it is the successor, to establish hospitals and make regulations for the government thereof; to establish a system of public or free schools, and regulate; to make regulations to secure the general health of the inhabitants, and to prevent and to remove nuisances, to provide the town with water by water works within or beyond the limits of the town, or by contract, and to provide for the prevention and extinguishment of fires and to organize and establish fire companies; to make appropriations to open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys, sidewalks, or to have the same done and plant shade trees, and to erect, establish and keep in repair bridges, culverts, sewers and gutters, and to make appropriations for lighting the streets, and for the erection of all buildings necessary for the use of the town; to license, tax and regulate auctioneers, grocers, merchants, bankers, peddlers, butchers, lawyers, doctors, dentists, livery stable keepers, games of chance, and all other privileges, to license, tax and regulate hackney carriages, carts, omnibuses, wagons, drays and vehicles, and to fix the rate to be charged for the carriage of persons and property within the corporate limits of the town; to license, tax and regulate or prohibit or suppress theatrical and other exhibitions, shows, and amusements, except lectures and concerts for religious or charitable purposes; to regulate, prohibit or suppress all gambling houses, disorderly and bawdy houses, and obscene pictures and literature; to regulate, restrain or prevent the carrying on of manufactories, dangerous in causing or producing fires and to prevent or suppress the sale of fire arms and carrying concealed weapons; to regulate the storage of gun powder, tar, pitch, rosin, salt petre and all other combustibles, explosives or inflammable material, and the use of lights, candles, lamps, and steam pipes in stables, shops,

Powers

Powers

and other places, and to regulate or suppress the use and sale of fire crackers and toy pistols; to establish standard weights and measures to be used in the town and to appoint a sealer of standard weights and measures, who shall have exclusive jurisdiction within the town; to provide for the inspection and measuring of lumber and other building materials; to provide for the inspection and weighing or measuring stone, coal, wood and fuel, hay, corn and other grains; to provide for and regulate the inspection of beef, pork, meal, milk, butter, lard, and all other kinds of provisions; to regulate the vending of meat, poultry, fish, fruits, and vegetables; to restrain and punish the forestalling and regrading of provisions; to establish and regulate markets; to impose fines, forfeitures, and penalties for the breach of any ordinance and to provide for their recovery and appropriation; to provide for the arrest, imprisonment and punishment of all riotous and disorderly persons within the town by day or night, and for the punishment of all breaches of the peace, noise disturbance or disorderly assemblies, and to provide for the punishment or imprisonment, or by hard labor for the town, the commission of any offense punishable by the laws of the State of Alabama, to pass all ordinances necessary for the health, convenience and safety of the citizens, and to carry out to the full extents and meaning of this act, and to accomplish the object of this corporation, to impose penalties upon owner or owners, occupants or agents of any house, wall or sidewalk or other structure that may be considered dangerous or detrimental to the citizens, unless after due notice to be fixed by ordinance, the same be removed or repaired; to regulate, tax, license or suppress the keeping and going at large of all animals within the town, to impound the same, and in default of redemption in pursuance of ordinance, to kill or sell the same; to erect and organize a workhouse in or near said town, and any person who shall neglect to pay any fine or penalty imposed upon him by or under any ordinance of said town, may be

committed to such work house until such fine and cost shall have been paid in full, or may be hired out to hard labor, or sentenced to hard labor on the streets of said town, one or all such punishments, until said fine and cost are fully paid; to appoint and regulate and govern a marshal and police force, to impose fines, forfeitures, penalties, and terms of imprisonment and hard labor, one or all of said punishments, for the breach or violation of any town law or ordinance, but no fine or penalty shall exceed one hundred dollars, and no term of imprisonment or hard labor shall be for a longer term than ninety days for the same offense; to impose penalties upon persons convicted of cruelty to animals; to provide for the improving, inclosing and regulating all public grounds belonging to the town, in or out of the corporate limits of said town; to regulate and provide for the construction or repair of sidewalks and foot pavements, and if the owner or owners of adjacent lot or lots shall fail to comply with the provisions of such ordinance within such time as may be prescribed, the town council may contract for the construction or repair of such sidewalks or pavement, and the town shall pay the same, and the amount so paid shall be a lien upon said lot and may be enforced by attachment in law or equity or the amount may be recovered against said owner by suit before any court of competent jurisdiction, to compel owners of buildings to erect fire escapes when necessary for the safety of occupants; to grant the right of way through the streets, avenues and squares of said town for the purpose of street or other railways, telephones and telegraphs and electric light companies, and for laying pipes for gas and water companies; to take and appropriate ground for widening or extending streets or parts thereof, or for laying out new streets, avenues, squares, parks or promenades, when the public convenience requires it, upon just compensation to be determined according to the laws of ad quod damnum, and condemnation by railroads, corporations; to establish, regulate or change fire

Powers

Powers

limits within the town and to pass all laws necessary for the protection of said town against fire, and for this purpose may remove wooden buildings or structures, paying the owner therefor a reasonable price, which shall be determined by arbitration, the arbitrators to be selected as follows: One by the owner of the property and one by the mayor of the town. In case of failure to agree the arbitrators so selected shall choose a third arbitrator, and the amount agreed upon by a majority of the arbitrators shall be final; and to punish by fine or imprisonment the erection of any building in said fire limits, other than those prescribed by ordinance; to regulate the speed of trains, cars, locomotives on railroads or tramways in said town, and punish by fine or otherwise for violation of such regulations; to establish and build drains, sewers, aqueducts and reservoirs, and to regulate the same, and to take and appropriate any land or right of way necessary for such drains, sewers, aqueducts or reservoirs, upon just compensation to be determined, according to the laws of the State regulating proceedings of *ad quod damnum*; and to pass all ordinances necessary to compel owners of lots or real property to ditch and drain the same at the expense of the owner, and to punish any refusal or neglect by such owner or agent of such property by fine or imprisonment, or hard labor, one or all; to prevent and remove all nuisances at the expense of the owner or person causing the same or upon whose premises the same may be found; to regulate privies and water closets, sinks and wells; to make all ordinances necessary concerning idlers, paupers, vagrants, tramps and disorderly and vicious persons, and correcting or restraining their vicious habits; to punish all persons who in any manner may resist or obstruct the marshal, policemen or deputy marshal in the arrest of any person when they have the right to arrest them, and for the punishment of any person who shall fail to give aid when summoned to act as patrol, refuses to act without a good excuse; and when any person is so called on and aids such officer as required, he

shall not be liable to punishment therefor, nor to any damage in a civil suit: Provided, He did no more than was necessary to effect such arrest; Powers to punish for injuries to streets, sidewalks, houses, trees and all other property; to exempt from town taxation for a period of not longer than five years any new enterprise, business or industry which may come into said town after the passage of this act; to establish night and day police; to prevent and punish violations of the Sabbath, any disturbance of, or interference with public or private worship; to punish profane, abusive, insulting or obscene language, or indecent exposure of the person, or any improper exhibition; to license and regulate the sale or disposal, in any way, of spirituous, vinous or malt liquors, whisky, cider, ginger ale, beer of any kind, or intoxicating drinks or beverages sold or disposed of within the corporate limits of said town; to fix amount of license, not to exceed (\$2,000.00) two thousand dollars, nor less than (\$500.00) five hundred dollars; to license, regulate and tax billiard and pool tables, Jenny Lind tables, and bowling alleys, and knife racks, tables, or all devices for which charges are made or not made; to enact such laws and ordinances as may be necessary to regulate the hiring and working of convicts of the town, not inconsistent with the laws of the State of Alabama, and of this act; to take care of, remove and preserve and designate all burying grounds within said town; to issue Bonds bonds of said town for an amount not exceeding five thousand dollars, to be devoted exclusively to school purposes, said bonds to be in denominations of not less than one hundred dollars each and payable twenty years from the date of their issuance, with coupons attached, bearing interest at a rate not exceeding eight per cent. per annum, and payable annually to bearer, to be signed by the mayor and countersigned by the treasurer of said town, the latter of whom shall keep a correct record and account of all the bonds issued and disposed of under this act, and the mayor and councilmen of said town are authorized to negotiate and sell such

bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than ninety cents on the dollar, and the proceeds of said bonds shall be paid over and kept by the treasurer of said town, to be used and applied in building, repairing and furnishing houses for school purposes, and purchasing lots for the same: Provided, that before any bonds shall be issued under the provisions of this act, the mayor and councilmen shall order an election (and prescribe the manner of holding the same), and if a majority of the voters at said election shall oppose the issuance of bonds, then none shall be issued, but if otherwise, they shall be issued.

Town officers

Sec. 6. Be it further enacted, That the mayor and council of said town shall have power to employ or appoint a clerk, marshal and all other officers they may deem advisable for the good and convenience of the town, and may fix and regulate their duties; also may employ counsel for advice and for the prosecution of offenders, and for defense of all suits against said town, and for such other purposes as the mayor and town council may deem necessary for the good and welfare of said town.

Expenditures
forbidden

Sec. 7. Be it further enacted, That the mayor and town council are forbidden to make an appropriation of money or credit in any way of donations, festivities or pageants, and they are hereby prohibited from employing or appropriating the revenues and taxes in any other manner, and for the purposes strictly municipal and local and according to the provisions of this act.

Committees

Sec. 8. Be it further enacted, That the town council shall by ordinance determine the number of standing committees and the number of members of each committee, and their duties. The mayor shall appoint said committees as soon as practicable after the election, and he shall be ex-officio a member of each, but shall not be entitled to a vote except in case of a tie.

Ordinances

Sec. 9. Be it further enacted, That all town ordinances shall begin as follows: "Be it enacted by the mayor and council of Enterprise," and shall at

the end of the acts contain the provision that, "This ordinance shall go into effect from and after its passage, the welfare of the town requiring it," otherwise the same shall not take effect until ten days after its passage.

Sec. 10. Be it further enacted, That the marshal and several members of the police force shall have the same power and authority to arrest offenders, execute process and enforce the laws, by-laws and ordinances of the town as sheriffs have, and shall be vested with the same authority in the discharge of his duties as is conferred upon the sheriffs by the laws of the State. He shall also have power to arrest offenders in any part of the county upon warrant issued by the mayor. He shall at all times be authorized to arrest offenders for offenses committed in his presence or for offenses which he has probable cause to believe were committed within corporate limits of said town, and keep them in custody until tried, unless bail is given, and he shall, without delay, report the arrest and its cause thereof to the mayor. Marshal and police

Sec. 11. Be it further enacted, That every person committed to the workhouse or to hard labor shall be required to work at such labor as his health and strength will permit within or without said town, not exceeding ten hours a day, and for such work the person so employed shall be allowed, exclusive of his board, until the fine is paid, and one dollar per day in payment of the cost. Working out fines

Sec. 12. Be it further enacted, That all taxes shall be collected as prescribed by ordinance. Collectors of taxes in said town shall have the power to issue distress warrants and alias and pluries distress warrants in the name of the mayor and town council. The same to be executed by the marshal or any police officer. Taxes

Sec. 13. Be it further enacted, That the mayor and town council are authorized and empowered to create such offices, and to provide by ordinance for the appointment or election for all such officers as may be necessary for the good government of the town, whose compensation and bond Town officers

and the time of service shall be fixed before their election or appointment. That the mayor and town council shall have authority at any time to abolish any office created by them. All elections by the town council shall be viva voce on the call of the roll. All officers created by this act or by ordinance shall give such bond as the mayor and town council shall fix and decide.

Tax assessor

Sec. 14. Be it further enacted, That the town council shall elect a tax assessor whose term of office shall be one year, or such other term as the mayor and council may fix, and whose salary and bond shall be fixed by the town council and mayor. It shall be the duty of said tax assessor, before the first day of April of each year to assess for taxes all property, real, personal and mixed, within the corporate limits of said town, subject to taxation under the laws of Alabama, such assessment naming the person liable to such taxes, when known, and specifying the property so assessed, and when owner of property so assessed is unknown to the assessor, so state in said assessment, which assessment shall be returned to the mayor and town council, and the mayor shall cause at least ten days public notice that such assessment has been made, and the time when the town council or a committee thereof will hear and determine upon all complaints which may be made against such assessment, and it shall be the duty of the town council or a committee thereof to correct errors and supply omissions, and when the same has been passed upon by the town council they shall levy a tax thereupon, and such levy shall have the force and effect of a judgment and execution, and on failure on part of the owner of any property to pay said taxes, the assessor or party collecting said taxes, may collect the same by levy upon, and sell such property or any other property of any kind owned by such delinquent taxpayer; and provided, further, that all sales of property under the provisions of this act, must be advertised by posting or by publication in a newspaper published in the town, for not less than fifteen days, which notice must con-

Taxes

tain a description of the property so levied upon, and the name of the person to whom assessed, when known, and the amount of taxes, costs and charges for which it is to be sold. Certificates of purchase must be given when real estate has been sold, by the officer making the sale of said property, similar in form to those given on sale of real property for the collection of State and county taxes, and shall have the force and effect of transferring title thereto. The time and right of redemption of real property so sold shall be the same as provided by the law of the State of Alabama, and at the expiration of the time for the redemption of the property sold, the mayor must, upon the presentation of the certificate of purchase, execute a deed to the purchaser of said property, in accordance with the laws of the State of Alabama as to such deeds made by the probate judge, and the mayor shall be entitled to the sum of three dollars therefor.

Sec. 15. Be it further enacted, That all persons residing within the corporate limits of said town who are liable to road duty under the law of the State of Alabama shall pay such street tax, not exceeding five dollars per year, as may be prescribed by the mayor and council of said town; or, failing to pay such tax, shall be required to work ten days on the streets of said town; and if any person refuse to pay such tax or refuse to do such work, he shall be fined five dollars for such refusal, or imprisoned in the county jail, or put to hard labor for the town; one or all of such punishments may be inflicted.

Sec. 16. Be it further enacted, That the mayor of the said town of Enterprise shall have jurisdiction of and power to try all violations of the laws, by-laws and ordinances of said town, and original jurisdiction concurrent with the Circuit Court to try all misdemeanors known and punishable by the laws of the State of Alabama, committed within the corporate limits of said town, and shall have power to punish by fine and imprisonment, or by one or both, all contempts of Court or process; and in case of the absence of the mayor, the mayor

Appeal

acting, pro tempore, shall have all the power and jurisdiction of the mayor: Provided, from any judgment or decision of said mayor, as such, an appeal may be taken by the defendant to the Circuit Court of Coffee County upon defendant's entering into bond with good and sufficient security to appear at the next term of the Circuit Court of Coffee county, Alabama, to which the appeal is taken, and from term to term thereafter until discharged by law, to abide by and perform whatever sentence may be adjudged against him, the bond to be payable to the town of Enterprise in such penalties as the mayor may prescribe, and to be approved by him; and such case shall be placed on the criminal docket, and if the defendant be convicted, the Court or jury trying the case may impose fines and imprisonment, one or both, just as the mayor could have done under the ordinance of the town on the trial before him; and if the fine be not paid, imprisonment be imposed. The Court shall render judgment or sentence the defendant in accordance with the finding of said Court or jury, and the defendant shall be removed to the town prison or to the town authorities for the enforcement of the judgment or sentence, and shall remain in custody until discharged, as provided by the ordinances of said town, upon conviction before the mayor. And in case the defendant does not appear at the trial, but makes default, then his bond shall be declared forfeited, and judgment shall be rendered thereon against the defendant and his sureties as in State cases, except that the judgment shall be in favor of the Town of Enterprise: Provided, That such appeal be taken and fully protected within five days from the rendition of such judgment by the mayor; and the case shall be tried de novo, and it shall be the duty of the Court to speed the trial thereof. The mayor shall have jurisdiction of all proceedings by motion, and scire facias, or other writs established for the collection of any penal bond, payable to the said town of Enterprise, taken under this act, or under any ordinance of said town, passed under and in pursuance of this act, and from

his judgment rendered in such proceedings, executions thereon may issue and be enforced as executions from the Circuit Court; and said mayor shall have the right, when the good and safety of the town may require it, to call upon or demand the aid of the sheriff of Coffee county. On the trial of any cause in any of the Courts of this State the Code or book containing the by-laws or ordinances of said town of Enterprise and purporting on the face thereof to be printed by authority of said mayor and town council, shall be received as evidence of the contents thereof without further proof. From the judgment of the said Circuit Court of Coffee county the defendant may appeal to the Supreme Court of the State, and in all civil or quasi criminal cases the town of Enterprise may appeal to the said Supreme Court of the State. In all cases where persons convicted or acquitted before the mayor, or acting mayor, for any offense which is a misdemeanor under the laws of the State, such conviction or acquittal shall be a bar to a prosecution of such person for such offense before any State Court. The mayor or acting mayor shall have the same power, authority and jurisdiction to try and punish all persons committing misdemeanors within the corporate limits of said town of Enterprise as the judge of the Circuit Court; and in all cases where persons are brought before the mayor or acting mayor on a charge which is made a felony by the laws of this State, it shall be the duty of the mayor or acting mayor if, on the investigation of the charge, there is reasonable cause to believe that a felony has been committed and that the defendant is guilty thereof, to bind such defendant over to appear before the Circuit Court of Coffee county, and to proceed in all respects in such case as justices of the peace are required by law to proceed; the sheriff of the County of Coffee and ministerial officers shall obey the mayor and shall faithfully execute all warrants, processes and orders committed to him for service according to their mandate, and when so acting or serving said mandate shall receive the same fees

Appeal

therefor as are now allowed them by law for like services; and it is made the duty of the jailer of said county to receive persons committed by said mayor, or acting mayor, and the person or persons so committed safely to keep confined in jail until delivered by due course of law.

Present laws

Sec. 17. Be it further enacted, That no prosecution, suit or claim whatever, pending, or to be brought under the existing laws, shall in any manner be affected, impeded or altered by the passage of this act. And all the existing ordinances, by-laws and regulations of said town of Enterprise, adopted in pursuance of the charter of said town, and not inconsistent with the provision of this act, shall be and remain in full force and effect as the by-laws and ordinances of said town, until amended or repealed by the mayor and council of said town. And all the present officers of the said town of Enterprise shall be subject to the provisions of this act, in all things that pertain to their official acts and duties, and shall be vested with all the power, rights and jurisdictions conferred by this act during their term of office, and until their successors are elected and qualified.

Laws in
operation

Sec. 18. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act shall be inoperative against the provisions hereof.

Approved February 8th, 1899.

No. 305)

AN ACT

(H. 587

To establish a charter for the Town of Center, in Cherokee County.

Style

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the Town of Center, in Cherokee county, be, and they are hereby, created a body politic and corporate, under the name of the Town of Center, and by that name may sue and be sued, may purchase, hold, receive,

grant, sell, alien, convey, lease, or otherwise dispose of property, real, personal or mixed, and may do and perform any or all acts incident to municipal corporations and necessary to be done to enforce the powers herein granted; may have a town seal, which may be changed at pleasure. But said town shall not hold property exceeding in value fifteen thousand dollars.

Powers

Sec. 2. Be it further enacted, That the corporate limits of said town shall extend and embrace all the territory within a rectangular space, with the courthouse in the center of said rectangular space, of one mile from east to west, and one-half mile from north to south.

Corporate limits

Sec. 3. Be it further enacted, That the government of said town shall consist of, and its corporate powers shall be exercised by a mayor and five councilmen, who shall be elected by ballot on the first Monday in April biennially, by the qualified electors residing within the corporate limits of said town who have resided therein for thirty days next preceding such election. Said election shall be held under the direction of the mayor and marshal of said town at some convenient place therein under such regulations as the corporate authorities may prescribe by ordinance not inconsistent with the general laws of this State: Provided, Ten days notice shall be given of any such election, by posting notices at two or more public places within the corporate limits of said town, which shall be all the notice required for any such election. If, from any cause, no such election shall be ordered and held on the first Monday in April, the mayor and marshal of said town shall, as soon thereafter as practicable, appoint another day for holding said election, not more than sixty days after said first Monday in April, of which the same notice shall be given, and an election held for said officers. If the mayor and marshal should fail or refuse to order any election as herein provided, it shall be the duty of the sheriff of Cherokee county, upon the application of any six resident citizens of said town who are qualified electors therein, to order

Government consists of

Election of officers

Proviso

Failing to have

Election such election, of which the same notice must be given, and the sheriff shall perform the same duties in regard to any election ordered by him, that the corporate authorities of said town are required by this act, or by the laws and ordinances of said town, to perform. The persons elected at any such election must, before entering upon the duties of their respective offices, take and subscribe the same oath of office that public officers are required to take and subscribe under the general laws of this State, which shall be recorded in the minute book of the board of mayor and council.

Qualifications of officer Sec. 4. Be it further enacted, That no person shall hold the office of mayor or councilman who has not resided therein one year next preceding his election.

Governing ballots for contest Sec. 5. Be it further enacted, That the ballots cast at any election held under this act shall, after being counted, be carefully sealed up, with one of the poll lists kept at such election, and labeled, and shall be kept by one of the inspectors, without being opened, for twenty days after said election, and then, if no contest is instituted for any office filled at such election, they shall be destroyed without being opened; but if a contest be instituted for any of said offices, they shall be delivered to the Court trying the same, upon demand thereof. The other poll list shall be delivered to the mayor, and filed in his office, subject to inspection.

Sec. 6. Be it further enacted, That any election held under this act may be contested for any of the grounds of contesting elections under the general laws of this State, and by any person authorized under the general laws to contest elections. Such contests shall be tried before the probate judge of Cherokee county, and shall be governed by the same rules of procedure as provided by the general laws of this State for the contest of elections for officers filled by the vote of a single county: Provided, That such contest must be commenced within fifteen days after such election is held, and not afterwards.

Sec. 7. Be it further enacted, That if the mayor or any councilman of said town, shall die, or re-

sign or remove from the town, or become disabled to act, or if, from any cause, there should be a vacancy in any such office, the remaining members of the board of mayor and councilmen shall elect, in his stead, a mayor or councilman, as the case may be, from among the qualified citizens of said town; and if the election is for mayor, any member of the council may be eligible to such office, and such person so elected shall continue in office during the remainder of said term, until his successor is elected and qualified, unless he sooner die, resign, remove, or from some other cause the office become vacant, in which case it shall again be filled as before directed. If any person elected to any office in said town shall fail to take the oath of office and file his bond, in cases where bond is required, within fifteen days after the election, such office shall be declared vacant by the acting board of mayor and councilmen, and such vacancy shall be filled as hereinbefore directed.

Filling
vacancies
in office

Sec. 8. Be it further enacted, That the councilmen shall be the judge of the qualification of the mayor, and the mayor and councilmen shall be the judges of the qualification of the councilmen.

Mayor and
councilmen

Sec. 9. Be it further enacted, That a majority on the board of mayor and councilmen shall constitute a quorum for the transaction of business. They shall fix their own sessions, and special meetings of the board may be called by the mayor at his own option, or by any two of the councilmen. In case of sickness or temporary absence of the mayor, the councilmen may appoint one of their number to act as mayor pro tem., and such mayor pro tem. shall exercise all the powers and perform all the duties of the mayor. But the mayor, or any councilman, shall not forfeit his office by temporary absence from the town or State.

Quorum

Meetings

Mayor
pro tem

Sec. 10. Be it further enacted, That it shall be the duty of the mayor to attend all meetings of the council, and to preside over the same and keep, or cause to be kept, in a well bound book, kept for that purpose, a minute of the proceedings, and to perform all other duties required of presiding of-

Duties of
mayor

ficers of deliberative bodies; he shall have power and authority to take jurisdiction of every violation of the laws and ordinances of said town, and to try, convict and punish the person or persons committing the same, by fine and imprisonment in the town prison, or by work on the streets or other works of said town, one or both, in his discretion; and he shall have authority, while sitting as a Court, to punish any contempt of his Court by fine, not to exceed the sum of twenty-five dollars, and by imprisonment in the town prison not to exceed twenty-four hours, one or both, at his discretion; he shall also have the jurisdiction of a justice of the peace in all matters civil and criminal arising within the corporate limits of said town.

Bond of
mayor Sec. 11. Be it further enacted, That before entering upon the duties of his office, the mayor shall give bond in the sum of one thousand dollars, payable to the town of Center, and conditioned as the bond of county officers are conditioned in this State, with good and sufficient surety, to be approved by the councilmen, which bond shall be recorded on the minute book kept by the board of mayor and councilmen, and filed with and kept by the treasurer of said town.

Election of
marshal Sec. 12. Be it further enacted, That the police force of said town shall consist of a marshal and such subordinate officers and policemen as the board of mayor and councilmen may, from time to time, prescribe; all members of the police force may be removed by the board of mayor and councilmen for good cause, at any time; the marshal shall be elected by the board of mayor and councilmen at the first regular meeting of the board after each biennial election; provided, the mayor and councilmen elected at such election have qualified and entered upon the discharge of the duties of their offices; otherwise, at the first regular meeting of the board after they have so qualified, and shall hold his office until his successor is elected and qualified, unless he sooner vacate the same by resignation, removal from the town, or in some other manner, or is removed by the board of mayor and coun-

Election of
subordinates

cilmen, in which event the vacancy shall be filled by the board of mayor and councilmen in such manner and at such time as they may determine. All other subordinate officers and policemen may be elected by the board of mayor and councilmen at such time as they may determine, whenever they shall deem the services of such officers and policemen necessary. The said board shall prescribe the duties and fix the compensation of such officers and policemen; they shall also elect a treasurer, and fix his bond, and shall have power and authority to elect such clerks and other officers as they may deem expedient for the good government of the town, and prescribe their powers and duties, and fix their compensation, and require bonds of any such officers in such amounts as the good of the town may, in their judgment, require; and any such clerk, treasurer or other officer so elected may be removed by the board of mayor and councilmen for good cause; they shall hold their offices, unless sooner removed, until the biennial election of officers, and until their successors are elected and qualified.

Treasurer and
his bond

Sec. 13. Be it further enacted, That the town clerk, or in case no clerk shall be elected, the mayor, shall keep a record of all the proceedings, orders, regulations, by-laws and ordinances, adopted by the board, which shall be read to the board and signed by the mayor, or presiding officer, and the same shall have the force and effect of a record; but all ordinances shall be approved by the mayor; and in case the mayor shall fail to approve any ordinance enacted by the board, he shall return the same to the board, with his objections thereto in writing, in then, if four of the councilmen shall vote in favor of the ordinance, it shall become a law without the signature of the mayor; but before any ordinance shall go into effect it must be published ten days in some newspaper published in said town, and by posting in two public places in said town; all ordinances of said town shall be recorded in a well bound book, kept for that purpose; the mayor shall keep all the

Approval of
ordinances

Publication of

Record of
ordinances

records of said town in his office, and subject at all times, when not in use by the mayor or other officers, to the inspection of any person interested in said records.

Authority of
marshal to
arrest

Sec. 14. Be it further enacted, That the marshal shall have authority without warrant to arrest all persons breaking the peace or violating any of the ordinances of said town, and bring them before the mayor, or imprison them or require bond of them, with security for their appearance before the mayor as the ordinance of said town may direct; to execute, by levy and sale, if necessary, all process issued by the mayor or clerk for the collection of taxes, fines, forfeitures and other dues owing to said town; and to discharge such other duties as may be required of him by the laws and ordinances of said town; he shall also be authorized to execute all process issued by the mayor acting as a justice of the peace.

Hard labor

Sec. 15. Be it further enacted, That the mayor and councilmen of said town shall have full power to make and adopt all by-laws and ordinances necessary to carry out the powers herein granted, and for the good government and order of said town, and prescribe penalties for the violation of the same by fine, not exceeding fifty dollars (\$50.00), and by hard labor for the town, or by imprisonment in the town prison not exceeding thirty (30) days; and all persons convicted of a breach of any of the by-laws or ordinances failing to pay or secure the fine imposed by the Court trying the same, and all costs, may be sentenced to hard labor on the streets or other works of said town, or to imprisonment in the town prison, not to exceed thirty days; they shall also have power to prevent and remove nuisances; to prevent the introduction of contagious or infectious diseases within the corporate limits of said town, and to provide hospitals or places for the reception of the sick; to erect a calaboose or town prison; to establish night and day watches and patrols; to erect and repair bridges; to sink and repair public wells; to erect sewers; to open, repair and keep in order streets, avenues and alleys; to

Nuisances

Hospitals

establish and maintain free public schools, either
 in connection with or independent of the public
 schools established by the school laws of this State, Schools
 or by any special school laws of the territory com-
 posing said town; to erect, repair and keep in order
 school buildings and grounds; to establish water Works
 works for the use of said town, or to contract for
 supplying said town with water; to establish elec-
 tric light plants or gas light plants, or to contract Lights
 for the lighting of said town with electricity, gas or
 in any other manner; to regulate, restrain and pro-
 hibit the sale of spirituous, vinous and malt liquors Liquors
 within the corporate limits of said town; to dis-
 perse and prohibit unlawful assemblies; to license,
 restrain and regulate theatrical and other exhibi-
 tions of whatever character for pay, except lec-
 tures and concerts for charitable purposes; to Theaters
 license, tax and regulate bankers, pedlers, hack-
 ney coaches, carriages, wagons, carts, drays and
 other vehicles of like kind, running for hire in said
 town, or carrying on their business within the cor-
 porate limits of said town; to levy and collect a
 license tax from all firms, individuals or corpora-
 tions trading or carrying on any business, trade Privilege
 or profession, in person or by agents, or in any way taxes
 whatever, but mechanics and persons who employ
 no capital, but conduct their trade by their skill,
 shall not be subject to the payment of a license tax;
 to license, restrain, regulate or prohibit the keep-
 ing of a billiard or pool tables, bowling saloons and
 tenpin alleys for public use; to regulate, restrain
 and prohibit gambling houses, bawdy houses, and
 other houses of prostitution in the corporate limits
 of said town; to punish violations of the Sabbath;
 to regulate, restrain or prohibit stock of any kind
 from running at large within the corporate limits
 of said town; to restrain riots, routs, as-
 aults and batteries, and all misdemeanors and fel-
 onies; to pass all such ordinances and by-laws as
 may be necessary to enforce the powers herein
 granted, not contrary to the constitution and gen-
 eral laws of this State, or to the restrictions in this
 act contained.

Power to con-
demn

Sec. 16. Be it further enacted, That the corporate authorities of said town shall have power to condemn private property for the use of streets, alleys, avenues, public buildings or other improvements of said town; that whenever the corporate authorities shall deem it necessary to obtain any private property for the purpose expressed above, and the board of mayor and councilmen, and the owner of such property, cannot agree upon terms or value respecting the same, such property may be condemned to the use of the said town for such purposes in the manner provided by the general laws of this State for condemning private property for public use.

Police
powers

Sec. 17. Be it further enacted, That the corporate authorities of said town shall have authority to cause all vagrants or idle persons, all houses of ill-fame or evil life, common prostitutes, and such as have no visible means of support, or are likely to become a public charge as paupers, or are found begging in or about the streets, being able-bodied, or can show no reasonable and legitimate cause of business or employment, all who have no fixed place of residence, and can give no good account of themselves, all who are indecent in language or behavior on the streets, to give a security for their good behavior for a reasonable time, not to exceed twelve months, and to indemnify the town against any charge for their support; and in case of their refusal or inability to give such security, to cause them to be confined in the town prison or sentenced to hard labor on the streets, or other works of said town, for a limited time, not to exceed ten days at any one time; and if such persons shall be found afterwards, such security may again be required, and on failure to give the same, like proceedings may be had as often as necessary.

Public
schools

Sec. 18. Be it further enacted, That the mayor and councilmen of said town shall have the authority to elect a board of trustees of public schools, which shall have supervision and control of public schools of said town, and shall hold their office for three years; said board to consist of five members.

Sec. 19. Be it further enacted, That the board of mayor and councilmen shall have power and authority to levy and collect taxes on all property, real and personal, within the corporate limits of said town; on auction sales and sales of merchandise, and on all property within the corporate limits of said town upon which the State levies and collects taxes under the general laws of this State: Provided, That no tax shall be levied or collected upon sales under judicial proceedings or under execution, or by administrators, executors or guardians, or under deed of trust or mortgage for security for the payment of debts; such tax to be levied and collected shall in no case exceed the constitutional limitation. Taxes

Sec. 20. Be it further enacted, That the mayor and councilmen may provide for the payment of a street tax, not to exceed four dollars in any one year, by each male person within the corporate limits of said town who are between the ages of eighteen and forty-five years, who is not exempt under the laws of this State from road duty, in lieu of working on the public streets, avenues and alleys of said town; said street tax to be collected at such times and under such regulations as may be prescribed by ordinance. All male persons residing or doing business of any character within the corporate limits of said town shall be liable to work on the streets, avenues and alleys of said town, if between the said ages of eighteen and forty-five, or pay such street tax in lieu thereof as may be prescribed by the corporate authorities; but no person shall be required to work on the streets, avenues and alleys of said town more than six days in any one year; and all persons residing within the corporate limits of said town shall be exempt from all road duty outside of the corporate limits of said town. Street tax

Sec. 21. Be it further enacted, That full power and authority are hereby given to the corporate authorities of said town to establish such rules and regulations, not inconsistent with the provisions of this act, for the assessment and collection of the Taxes

taxes authorized by this act as they may deem expedient, and to provide all lawful means and proceedings to enforce and collect the same, and to impose such fines and forfeitures and penalties, not inconsistent with this act, for the violation of their ordinances in reference to taxes and revenues of said town, as they may deem requisite and proper; and for any mistake, proved or other defect in the levying and assessment of taxes, said corporate authorities, if they deem necessary and expedient, may set aside such assessment and levy, in whole or in part, according to the circumstances, and direct a new assessment, in whole or in part, as the case may require.

Levy and
sale

Sec. 22. Be it further enacted, That all taxes assessed and levied in pursuance of the authority conferred by this act, shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed, and on all other property within the corporate limits of said town of the person against whom the taxes are assessed and levied, and such lien shall be paramount to all other liens, except the liens for State and county taxes, and the person appointed to collect such taxes must, on failure of the party to pay the same, proceed to collect the same by levy and sale of the property of the person against whom the taxes are assessed; or if assessed to an unknown owner, by a sale of the property assessed. All such sales of property for the payment of taxes must be by public outcry to the highest bidder, and must be after thirty days' notice, by publication in some newspaper published in said town, or if no newspaper is published therein, by posting notice in writing at two or more public places in said town for thirty days previous to sale; but if the sale is of personal property, ten days notice shall be sufficient, to be given in the same manner as above directed. The person appointed to collect such taxes shall make such sales under such rules and regulations as the corporate authorities may prescribe; but in case of sales of real estate for taxes, if more than one lot is assessed to the same person, the

smallest lot shall be sold first, unless the owner shall, in writing, request the larger lot sold first; and no more shall be sold than enough to pay the taxes and costs due from such person: Provided, That less than one whole lot shall not be sold; and whenever a lot is sold for taxes, and more is bid for it than the taxes and costs due from the owner amounts to, such surplus shall be turned over to the owner; if unknown, it shall be disposed of by the mayor and councilmen, subject to the order of the owner, when ascertained; the officer making the sale shall give to the purchaser of the real estate so sold a certificate of purchase, in such form as the corporate authorities may prescribe; which certificate shall be prima facie evidence of the regularity of all previous proceedings, and of all the facts recited therein, and also that all the requirements of the laws in reference to levy and assessment, taxes, and the sale of the property have been complied with: Provided, however, That any real estate sold for taxes under this act may be redeemed by the owner thereof, his agent or attorney, or by any person having a beneficial interest therein, or a valid lien thereon, at any time within two years from the date of the sale, on payment of the amount for which such property was sold, with interest at the rate of ten per centum per annum, on all taxes which may have accrued; provided, infants and lunatics shall be allowed one year after the removal of their respective disabilities in which to make such redemption; and upon such payment being made or the amount thereof being deposited with the mayor of said town within the period allowed for redemption, the purchaser of such real estate shall surrender to the person making the redemption, and such payment or deposit, his agent or attorney, the certificate of purchase, and the same shall be cancelled; and the mayor of said town shall give to such original owner, his agent or attorney, or to the person making the redemption, his agent or attorney, a certificate, certifying the fact of such redemption, and thereafter the title created by such sale and such

Rights to
redeem

certificate shall cease, and the purchaser, and any person claiming under him, shall relinquish possession, and on failure to do so, shall be liable for unlawful detainer.

Record of

sales

Sec. 23. Be it further enacted, That the mayor of said town shall record, in a well bound book, kept for that purpose, and called "Record of Sales," all sales of land made for the payment of taxes due said town; and upon the expiration of the time allowed for redemption, if the same are not redeemed, shall, upon the presentation of the certificate, and upon the payment of a fee of one dollar, execute, substantially in the form required under the general laws of this State for tax deeds, a deed to the purchaser, or his assignee, to the same, and such deed shall have the same force and effect as tax deeds under the general laws of this State; and when any land so sold for taxes shall be redeemed, as in this act provided, the mayor shall make the entry, showing such fact in the said book, and shall cancel the certificate of purchase given the purchaser for the same; he shall also record in said book all the sales of land made under execution from any Court by the corporate authorities.

May issue

bonds

Sec. 24. Be it further enacted, That the mayor and councilmen of the town of Center be, and they are hereby, authorized and empowered to issue bonds of the town of Center to an amount not exceeding the sum of five thousand dollars, bearing interest at a rate not exceeding four per cent. per annum, payable in lawful money of the United States, at the treasurer's office of said town of Center, interest coupons attached payable annually; said bonds to be entitled "Bonds of the Town of Center," payable at the expiration of a term of twenty-five years, but may be called in at the expiration of ten years: Provided, That no bonds shall be issued by the said town of Center unless it be for the erection and equipment of a public school building, to be the property of said town.

Sec. 25. Be it further enacted, That said bonds shall be issued in sums of not less than ten nor more than three hundred dollars, at the discretion

of the mayor and councilmen of the said town of Center, and shall be signed by the mayor and treasurer of said town, and the coupons shall be signed by the treasurer of said town, and shall be numbered; the said bonds may be transferred by delivery, and the faith and credit of the said town are hereby pledged to the payment of the same, together with the interest, as the same accrues.

Sec. 26. Be it further enacted, That any councilman of said town may be impeached and removed from office for any of the causes named in Section 1, or Title 7 of the Constitution of Alabama, before the remaining councilmen sitting as a Court, upon the complaint of any two or more citizens of said town, who are qualified electors therein; such complaint shall state clearly the grounds of impeachment, and shall be sworn to by at least one of the complainants and filed with the mayor. Upon the filing of such complaint, the mayor shall issue a notice, or summons, to the councilman against whom complaint is made, requiring him to appear before the mayor and councilmen at a time specified in such notice or summons, to answer said complaint; such notice or summons shall be accompanied by a copy of the complaint, and shall be served by the marshal by giving the defendant a copy at least five days before the time set for hearing the same, he shall also notify the other councilmen to appear at said time, for the purpose of hearing the complaint, which notice shall be served by the marshal at least two days before the time set for hearing the complaint. He shall also issue subpoenas for witnesses for either party, which shall be served by the marshal; and the mayor and the remaining councilmen shall, at such time, proceed to hear and determine the truth of said complaint, unless for good and sufficient cause the same is continued to another time; and if, upon such investigation, they are satisfied of the truth of the complaint, they shall remove such councilman from office, a majority of the Court concurring, and proceed to fill the vacancy thus caused as hereinbefore directed.

Removal
from office

Present government Sec. 27. Be it further enacted, That the present government of the town of Center shall continue until the officers provided for, under this act are elected and qualified; and all the by-laws and ordinances now in force, in so far as the same are not inconsistent with or contrary to the provisions of this act, shall continue in force until altered, changed or repealed by the corporate authorities of said town.

Repealed Sec. 28. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 8th, 1899.

No. 306)

AN ACT

(H. 987

To incorporate the Riderville, Centreville and Blocton Railroad Company.

Incorporators Section 1. Be it enacted by the General Assembly of Alabama, That E. E. Jackson, W. H. Rider, N. H. Rider, John B. Rider and Hugh W. Jackson, and their associates and successors, are hereby constituted a body politic and corporate, under the name of the Riderville, Centreville and Blocton Railroad Company, and by said name the said corporation shall have perpetual succession; shall have the right to sue and be sued, to have a common seal, and the same may break or amend at pleasure.

Purpose of construction Sec. 2. Be it further enacted, That the purpose of said corporation shall be the construction, operation and maintenance of a single or double track railroad for the carriage of freight or passengers for a reward, from some point near the village of Riderville, in Chilton county, Alabama, or from some point near the present terminus of the railroad now belonging to and operated by the E. E. Jackson Lumber Company, a corporation under the laws of the State of Alabama, to or near the town of Centreville, in Bibb county, Alabama, and from thence to some point at or near Blocton, in Bibb county, Alabama.

Sec. 3. Be it further enacted, That the capital stock of said corporation shall be the sum of one hundred thousand dollars (\$100,000), divided into one thousand shares of one hundred dollars each; but said capital stock may, at any meeting of the stockholders of the said corporation, called for the purpose, after three weeks' notice by advertisement in some newspaper published in Bibb county, Alabama, be increased to any amount not prohibited by the laws of the State of Alabama, by vote of a majority in value of the said stockholders, and upon payment, by the said corporation to the state treasurer of the license fees required by law upon such increase of capital stock.

Capital stock

Sec. 4. Be it further enacted, That the said incorporators, or any two or more of them, are hereby authorized and empowered to open books of subscription to the capital stock of the said corporation; and said incorporators are authorized and empowered to subscribe to all of said capital stock themselves, or to solicit subscriptions to said capital stock from other persons. When as much as ten per cent. of the capital stock of said corporation has been, in good faith, subscribed, the said incorporators, or such two or more of them as have been selected to open said books of subscription, shall call together the subscribers at such place as they may designate, within or without the State of Alabama, and the said subscribers shall then organize, by the election of a president, secretary and treasurer, and such number of directors as they may see fit. The proceedings of said meeting, together with the name of the corporation, the name of each stockholder and the number of shares subscribed for by him, together with all the other proceedings of said meeting, shall be reduced to writing, verified by the affidavit of the presiding officer and secretary of said meeting, and filed in the office of the secretary of state of Alabama. Said meeting shall also designate some person to collect such subscriptions to the capital stock of the said corporation; but the said meeting may authorize the said subscriptions to be paid by the conveyance of

Subscription

Organization

Proceedings

Collections

property, at its reasonable market value, or the performance of services to said corporation. Said person to whom said subscriptions to the capital stock are delivered must collect from each of said subscribers not less than two per cent. in cash from subscribers whose subscriptions are payable in cash, and must take written contracts from subscribers whose subscriptions are payable in property or in personal services, to convey said property or perform such services. Said person to whom said subscriptions have been delivered shall, upon the payment of said two per cent. in cash, or the making of said contracts by subscribers whose subscriptions are not payable in cash, make a list of the subscribers, designating those who have paid said two per cent in cash, and those who have paid their subscriptions by contracts for the transfer of property or the performance of personal services. A copy of said list shall be spread upon the minutes of said corporation, and a copy, duly verified by the affidavit of said person before some officer in this State authorized to take affidavits, and having an official seal, shall be filed in the office of the secretary of state of Alabama; and the said secretary of state, upon the filing of said list, shall forthwith issue to the said subscribers, their associates and successors, a certificate of incorporation under the great seal of the State, stating that they are duly organized as such corporation, under the name and style of the Riderville, Centreville and Blocton Railroad Company, and having the powers, capacity and authority conferred by law, and such certificate shall be due authority to the said subscribers, their associates and successors, to do any and all of the acts, and exercise any and all of the powers and franchises conferred by this act and the laws of the State of Alabama.

Meetings

Sec. 5. Be it further enacted, That the said corporation may hold meetings of its stockholders and directors, at such place or places without the State as may be designated by resolution of the board of directors, by the consent, in writing, of a majority in value of the capital stock of the said cor-

poration residing within the State; but said corporation must keep an office and principal place of business within this State; and all of the proceedings of the stockholders and directors of the said corporation, or a duly certified copy thereof, shall be kept in said office in the State of Alabama.

Sec. 6. Be it further enacted, That said corporation shall have power: 1. To hold, purchase, dispose of, and convey such real and personal property as its uses and business may require. 2. To make all needful rules, regulations and by-laws for the transaction of its business and the management of its affairs. 3. To appoint such officers and agents as it may deem necessary, and the nature of its business may require, prescribing their duties, fixing their compensation, and removable at pleasure. 4. To provide for the transfer of its stock, and to make such by-laws as may be deemed necessary for the creation and preservation of a lien upon the stock of shareholders for all indebtedness or liabilities they may incur to or with the corporation. 5. To cause such examination and surveys for its proposed railroad to be made as may be necessary to the selection of the most advantageous route, and, for such purpose, by its officers or agents and servants, to enter upon the lands or waters of any person, but subject to liability for all damages which shall be done thereto. 6. To acquire and hold, by gift or purchase, or in payment of subscriptions for stock, or by condemnation in the mode prescribed by law, such lands as may be necessary for a way and right of way, not exceeding one hundred feet in width throughout the entire length of the road, with the right to cut down and remove all such trees and undergrowth outside thereof as might, by falling upon or shading the roadway, injure the same. 7. To acquire and hold, by gift or purchase, or in payment of subscriptions for stock, such other lands, or any interest therein, as may be necessary in making heavy excavations, or embankments, or for the purpose of wasting materials from earth excavations, or for borrowing earth or other materials for the

Powers

Powers

construction of embankments, or for the protection and safety of the roadway. 8. To acquire and hold, by gift or purchase, or in payment of subscriptions for stock, lands for building depots, sidetracks, machine shops, car factories and other buildings necessary and incident to its business. 9. To consolidate with any railroad corporation now existing, or which may hereafter be organized under the laws of this State, in such mode as may be agreed on and in accordance with the laws of the State of Alabama; to purchase any other railroad, or the capital stock thereof, or any part thereof, in the State of Alabama, for use in connection or association with its said railroad. 10. To purchase or lease, or to aid in the construction of any railroad connecting with its own road. 11. To increase or decrease its capital stock in the mode, and upon the terms and conditions prescribed by law. 12. To borrow money for the purpose of building, or constructing, or operating its road, or for the payment of debts contracted for such purpose, or to secure the payment of debts contracted in the building, constructing, operating, or maintaining its road, and in carrying on the business thereof, or in the acquisition of property for its uses, by mortgage or deed of trust of its franchises, and its property, real or personal; and for money borrowed, or for any of its debts, may make and issue negotiable bonds, or bills of exchange, or promissory notes in any form, or other proper evidence thereof.

Authority to
cross streams

Sec. 7. Be it further enacted, That the said corporation is authorized, in the construction of its road, to cross navigable streams or waters, but in the erection and construction of bridges, trestles, or other structures, must not impair the navigation of such streams or waters; and the corporation is also authorized to use, or to cross, or to change public roads, when necessary in the building, construction, or maintenance of its roadway or track, but must place the public road used, or crossed, or changed, in a condition satisfactory to the authorities of the county having control thereof.

Sec. 8. Be it further enacted, That the said corporation has authority to cross or intersect any railroad or street railway, and if such crossing or intersection cannot be made by contract or agreement with the corporation, association or person having and controlling the railroad or street railway to be crossed, or with which an intersection is to be made, either party may proceed, in accordance with the provisions of Article 1, Chapter 42 of the Code of 1896, and all other laws relating to the condemnation of lands for public uses, the provisions of which are hereby made applicable, to have an assessment and ascertainment of the damages which may accrue to such corporation or person by reason of such crossing or intersection.

Crossing
other roads

Sec. 9. Be it further enacted, That the said corporation shall have the power and authority, for the purpose of extending its line or form a connection with some other railroad, to extend its road, or it may build, construct and operate branch roads from any point on its line to such other point or points within the State as may be by said corporation considered to its interest.

Branches

Sec. 10. Be it further enacted, That in addition to the powers and franchises hereby conferred, and which shall not be forfeited by mere non-user, the said Riderville, Centreville and Blocton Railroad Company shall have and exercise all of the rights, powers and franchises now or hereafter conferred upon railway corporations organized under the general laws of the State of Alabama.

Other powers

Approved February 8th, 1899.

No. 307)

AN ACT

(H. 1131

To incorporate the Tallapoosa Power Company.

Section 1. Be it enacted by the General Assembly of Alabama, That John W. Durr, Sigmund Roman, W. H. Micou, Jr., A. J. Milstead, F. D. Milstead, and W. H. Micou, their associates, successors and

Incorporators

	assigns, be, and they are, hereby created and constituted a body politic and corporate under the name of the "Tallapoosa Power Company," and in this name shall have, exercise and enjoy all the rights, franchises and powers and privileges pertaining to corporate bodies generally, and also such other powers and privileges as are hereinafter specially granted. The principal office of the company shall be located and kept in the City of Montgomery, Alabama.
Name	
Rights	
Location of office	
Capital stock	Sec. 2. Be it further enacted, That the capital stock of the corporation shall be \$50,000, divided into 500 shares of the par value of \$100 each; whenever \$25,000 of the capital stock shall have been subscribed for and twenty per cent. of said \$25,000 of the said capital stock so subscribed for shall have been paid into the treasury of said company, then the said company is hereby authorized to commence business.
Directors	Sec. 3. Be it further enacted, That the business of said company shall be managed and controlled by a board of directors, consisting of not less than three nor more than seven members, as shall, from time to time, be fixed by the by-laws adopted by the stockholders of said company, and by such officers and agents as said directors shall appoint and direct under the by-laws of said company. No person shall be elected to or hold the office of director unless he is a stockholder in the company, holding stock either in his own name or as trustee or otherwise; the board of directors shall elect, from among their number, a president and vice-president of the company, and shall also elect, or appoint, a secretary and the treasurer of the company, but the secretary and the treasurer may or may not be a director or a stockholder in the company. The stockholders may, at any annual meeting, or any other meeting of the company called for the purpose, make by-laws for the government, control and management of the company.
By-laws	
Powers	Sec. 4. Be it further enacted, That the said company shall have the following powers, to-wit: To have succession, by its corporate name, perpet-

ually; to sue and be sued; implead and be impleaded, and to have a common seal and to alter the same at pleasure; to manufacture, generate, distribute and sell electricity in any form for the purposes of lighting, heating and affording power, and for any and every other purpose for which electricity is now or may be hereafter used; and the establishment of plants and to provide necessary buildings, apparatus and appliances useful or convenient to carry out such purposes; to sell, furnish, lease out or hire electricity in any form or for any purposes to any consumer, and to charge reasonable prices therefor; to contract and be contracted with in any manner that individuals could; to purchase, hold, dispose of and convey such real and personal property as its uses and business may require; to make all needful rules, regulations and by-laws for the government of the corporation, the transaction of its business and the management of its affairs; to appoint such officers and agents as it may deem necessary and the nature of its business may require, prescribing their duties, fixing their compensation, and removable at the pleasure of the board of directors; to cause such examination and survey for its proposed line or lines for the transmission of electricity and for other purposes as may be necessary to the selection of the most advantageous route or routes, and for such purposes, by its officers or agents and servants, to enter upon the lands or waters of any person in this State, but subject to liability for all actual damages which shall be done thereto; to acquire and hold, by gift or purchase, or in payment of subscription for stock, or by condemnation in the mode prescribed by law, such lands as may be necessary for a way or ways and right of way or right of ways, not exceeding one hundred feet in width throughout the entire length of its line or lines, with the right to cut down and remove all such trees and undergrowth outside of said line or right-of-way or lines or right-of-ways as might, by falling upon the wires, or in any way, obstruct the said lines or injure or be dangerous to the same. To acquire

Powers

Powers

and hold by gift or purchase or in payment of subscription for stock or otherwise, such other lands or interest therein as may be necessary in the conduct and management of its business, or for use in said business. To acquire and hold by gift or purchase or otherwise, lands for building servants houses, station houses, depots, machine shops, or other buildings necessary and incident to its business. To amend its charter and to increase or decrease its capital stock in the mode and upon the terms and conditions prescribed by law under the general law relating to corporations now in force, or which may hereafter be in force. To erect and maintain a dam or dams across the Tallapoosa river at or near the town of Tallassee, in Elmore county, in the State of Alabama, or any other point on said river within five miles below or within twenty miles above the said town of Tallassee, for collecting and utilizing water for the purpose of generating, manufacturing and transmitting electricity to the City of Montgomery and any other point or points within a radius of 50 miles of said Town of Tallassee, which said company may desire. To construct and maintain all necessary buildings, power houses, machinery, hydraulic and electrical, and all appliances and apparatus of every kind and nature, necessary or useful for the purpose of generating, manufacturing and transmitting electricity. To contract for the use of any water power and all other appliances or machinery or apparatus of any kind or nature necessary or useful in generating, manufacturing and transmitting electricity. To own real and personal property and to borrow money and secure the payment of the same by mortgage or deed of trust, or otherwise, on its real and personal property, its franchises and privileges and such mortgage or deed of trust may embrace lands or other property lying or being situate in more than one county in the State of Alabama. To erect, maintain and operate a line of wires or conductors or other suitable appliances or apparatus between the Town of Tallassee, in the County of Elmore, in the State of Alabama, and the City

of Montgomery, Alabama, and from the said town of Tallasee to any other point or points within a radius of fifty miles thereof, for the purpose of transmitting electricity from the said Town of Tallasee or from the dam or dams of the company on the said Tallapoosa river, or from the power house or houses of said company, wherever the same may be located, to the said City of Montgomery, Alabama, or any other point or points within a radius of fifty miles of the said Town of Tallasee, for power, heating, lighting or for any other use or purpose for which electricity is now used or may hereafter be used; and may erect and maintain suitable poles for supporting such wires or conductors or appliances or apparatus, or to lay such wires or conductors or appliances or apparatus under ground, for transmitting electricity to any point or points herein named. To lay out, build, construct, and maintain suitable roads, whether railroads, tram-roads, turn pikes, or dirt roads along the right-of-way used by the company for its wires or conduits from its power house or houses to such point or points as may be necessary to haul their machinery, appliances, material and apparatus for the erection of said power plant and such houses as it may desire, in the building of its line or lines and operating and carrying on its business, and shall have the power and authority to equip such road or roads and operate the same by steam, electricity or other motive power and carry freight and passengers over said line or lines and charge and take reasonable tolls for their use, and shall also have the right and power and authority to erect, maintain and operate a telegraph line or lines and a telephone line or lines along its right-of-way and to charge reasonable tolls, charges and fares therefor, and for the use and service of such telegraph and telephone lines or other lines as it may erect, build, construct and operate. To enter the said City of Montgomery, (subject to the reasonable supervision and control of the city council of Montgomery) with their wires or conductors for the transmission of electricity to and within

Powers

said city for the purpose of supplying any resident thereof or corporation therein with electricity for lighting, heating, motive power and all other purposes for which electricity is now or may hereafter be used. To lease, erect and maintain within the said City of Montgomery such buildings and machinery of any kind that may be used now or in future for the manufacture or generating of electricity, as may be necessary to properly generate and distribute electricity throughout said city to such persons, firms or corporations as may wish to purchase the same for any purpose, and they shall also have the right to erect upon said streets, poles and to suspend therefrom wires necessary to distribute electricity for the purposes aforesaid, under the reasonable supervision and control of the city council of Montgomery. To subscribe for stock in other corporations, or to buy and own, sell and dispose of stock in other corporations in the same manner as an individual could do.

Approved February 8th, 1899.

No. 308)

AN ACT

(H. 630

To establish, maintain and regulate a dispensary in the Town of Columbia, Henry County, Alabama, for the sale of spirituous or vinous liquors, malt liquors, wines, cider or other intoxicating liquors, and to establish a board of directors for the purpose of better controlling and managing the sale of spirituous or vinous liquors, malt liquors, wines, ciders or other intoxicating liquors and for other purposes.

Dispensary

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the first day of January, 1900, a dispensary under the name and style of the dispensary of the City of Columbia, Alabama, shall be established for the purpose of better controlling and managing the sale of spirituous or vinous liquors, malt liquors, wines, ciders or other

intoxicating liquors in the City of Columbia, Alabama, and that said dispensary shall be controlled and managed by the mayor and city council of Columbia through a board of directors. Said board of directors to be established as follows: The following citizens of the City of Columbia, viz: G. L. Campbell, D. F. McDougal, W. F. Oakley, A. D. Wood, and G. W. Sanders shall constitute said board for the next three years. At the expiration of which time their successors in office shall be appointed by the governor of Alabama. That the powers of said board of directors shall be as follows: That they may fill all vacancies in said board during their term of office by a majority of votes of the remaining directors; to elect from their number a chairman, secretary and treasurer, to require good and sufficient bond from such secretary and treasurer and to cause the said bond to be approved by the mayor and city council of the Town of Columbia.

Directors

Sec. 2. Be it further enacted, That the dispensary directors provided for in this act shall maintain at some convenient place in the Town of Columbia, Alabama, within the corporate limits of said town, a dispensary for the sale of spirituous, vinous or malt liquors, wines, ciders and other intoxicating liquors, and shall on the day after their qualification and organization, and annually thereafter, elect a man, who shall be of good moral character and sober habits, to be known as the manager of said dispensary, and who shall have charge and control of said dispensary under the supervision of said board of directors. Said manager shall be chosen for the term of one year and may be removed at any time during his term of office by said board of directors for neglect of his duty or for violation of any laws, and said board of directors shall fill his unexpired term by the election of another man as manager of said dispensary. Said manager shall be required to take and subscribe an oath that he will faithfully and honestly discharge all duties required by this act and said manager shall also be required to give bond with good and suffi-

Duties of
directors

Manager

cient surety, to be approved by the mayor and city council of Columbia, in such sum as the said mayor and city council of Columbia may determine, conditioned to faithfully account for all goods and moneys that may come into his hands as such manager, and for the faithful performance of all duties required of him by this act, and by such rules and regulations as said board of directors may enact. Said manager shall receive such salary as said board of directors may fix, and his compensation shall not be dependent upon the amount of his sales.

Stock and
sales

Sec. 3. Be it further enacted, That said manager under the directions of said board of directors, shall at all times keep a stock of spirituous, vinous or malt liquors, wines, ciders or other intoxicating liquors in such quantities as said board of directors may direct, and sell the same only for cash in quantities not to exceed two gallons, in quantities not less than one half pint, and shall make no sales except for cash, and shall turn over all moneys received by him to the secretary of said board of directors at the end of each day, and said secretary shall at the end of each week turn over all moneys coming into his hands from said manager to the treasurer of said board of directors and take his receipt for the same.

Accounts

Sec. 4. Be it further enacted, That all accounts due by said dispensary for the maintenance and operation of the same shall from time to time be paid by the treasurer upon such demands being presented to said treasurer and approved by a majority of said board of directors.

Rules

Sec. 5. Be it further enacted, That said board of directors of said dispensary shall make from time to time rules and regulations for the operation of said dispensary not in conflict with the provisions of this act, and the laws of the State of Alabama, and the board of directors and manager of said dispensary shall at all times in the management and conduct of said dispensary conform to the laws of the State of Alabama regulating the sale of spirituous, vinous or malt liquors,

and the said manager shall conform to all the regulations that said board of directors may enact for the control, management and conduct of said dispensary which are not in conflict with the laws of this State.

Sec. 6. Be it further enacted, That no spirituous, vinous or malt liquors, wines, ciders or other intoxicating liquors shall be drunk in the building or on the premises where said dispensary is located. No drinking
on premises

Sec. 7. Be it further enacted, That said dispensary shall not be opened on any day before sun rise, and shall be closed each day before sun set, and shall remain closed on Sunday, election days and on the day before election days, and on such other days as the board of directors may direct the same to stand closed. Hours open

Sec. 8. Be it further enacted, That the manager of said dispensary shall not sell to any person or persons any spirituous, vinous or malt liquors, wines, ciders or other intoxicating liquors except in sealed packages, and the said dispensary shall not keep any broken packages in said dispensary and whenever an original package is broken it shall be at once bottled and sealed and sold by the manager of said dispensary in such bottled and sealed condition. Sealed
packages

Sec. 9. Be it further enacted, That said manager shall make a monthly report to said board of directors showing the exact financial condition of the said dispensary, and the said board of directors shall at any time when they see proper make an investigation of the correctness of said report and check up the balance of matters pertaining to said dispensary. Manager to
report

Sec. 10. Be it further enacted, That the manager of said dispensary shall not allow, and it is hereby made unlawful for any person or persons to loiter in or about said dispensary or the premises where the same is located, and for the failure to enforce this section of this act, the manager of said dispensary shall be removed from office. Loitering for-
bidden

Sec. 11. Be it further enacted. That the mayor and city council of Columbia shall have power and Powers of
mayor and
councilmen

- authority to carry out the provisions of this act and to provide suitable penalties for the violation of any of the provisions of this act.
- How operated Sec. 12. Be it further enacted, That said dispensary shall be maintained and operated from the funds arising from the sale of said spirituous, vinous or malt liquors, wines, ciders, or other intoxicant liquors, and the said mayor and city council of the Town of Columbia, in order to inaugurate said dispensary and purchase stock of liquors from time to time is hereby authorized to borrow money or pledge its credit.
- Use of profits Sec. 13. Be it further enacted, That the mayor and city council of the Town of Columbia, through the board of directors of said dispensary, shall appropriate the revenue arising from said dispensary to the paying off the interest of the present bonded indebtedness, and the interest on bonds that the mayor and city council of Columbia may be authorized to issue by the present legislature: Provided, That at least one-fourth of said revenue be paid to the school commissioners of the Columbia school district, to be expended by the school commissioners for the benefit of the schools of the said Columbia school district.
- Salaries Sec. 14. Be it further enacted, That the board of directors each provided for in this act shall receive a salary of twenty-five dollars per annum, and the secretary and treasurer shall be paid each, twenty-five dollars per annum additional. Said salaries to be paid out of the revenue arising from said dispensary.
- May suspend Sec. 15. Be it further enacted, That said board of directors shall have full power and authority at any time they may see proper so to do to suspend or discontinue said dispensary and close out all stock thereof on hand.
- License to others not to be issued. Sec. 16. Be it further enacted, That on and after the passage of this act the mayor and city council of Columbia are hereby prohibited from issuing, granting or renewing any license for the sale of spirituous, vinous or malt liquors, wines, ciders or other intoxicating liquors within the police jurisdiction of the Town of Columbia.

Sec. 17. Be it further enacted, That said board of directors before entering upon the sale of said vinous, spirituous and malt liquors, wines, cider, ^{License} other intoxicating liquors shall secure a license to sell same as now required by law.

Sec. 18. Be it further enacted, That all laws ^{Repeal} and parts of laws in conflict with this act or any part thereof be, and the same are hereby repealed.

Approved February 8th, 1899.

No. 310)

AN ACT

(H. 828

To relieve Sterling R. Coleman, Jot Elston Remson, J. Hugh Conley and Bessie Conley of Talladega County, Alabama, minors, of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly ^{Relief} of Alabama, That Sterling R. Coleman, Jot Elston Remson, J. Hugh Conley and Bessie Conley of Talladega county, Alabama, minors, be, and they are hereby relieved of the disabilities of non-age, and that they shall have the right to sue and be sued, contract and be contracted with, to buy, sell and convey real and personal property and generally to do and perform all acts which they could lawfully do if twenty-one years of age.

Approved February 7th, 1899.

No. 311)

AN ACT

(H. 837

To relieve Mary F. Maxwell of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly ^{Relief} of Alabama, That Mary F. Maxwell, a minor, under the age of eighteen years, residing in Tuska-loosa county, Alabama, be, and she is hereby relieved of all the disabilities of non-age, and is in-

vested with the right to sue and be sued, to contract and be contracted with, to own, buy, sell, and convey real estate, and generally to do and perform all acts which she could lawfully do if twenty-one years of age.

Approved February 7th, 1899.

No. 312)

AN ACT

(H. 52

To provide for the election of the County Superintendent of Education of Montgomery County.

Election

Section 1. Be it enacted by the General Assembly of Alabama, That the county superintendent of education of Montgomery county shall be elected at the general election to be held on the first Monday in August, 1900, and at the general election every four years thereafter, in the same manner as other county officers are elected. And that the term of office of said county superintendent of education shall begin on the first day of October next following such election, and that he shall hold said office and perform all the duties thereof, under the laws governing public schools, and until his successor is duly qualified.

Term of
office

Vacancy

Sec. 2. Be it further enacted, That the State superintendent of education shall fill such office by appointment, when a vacancy occurs therein, and that such appointee shall fill out the unexpired term to which he is appointed in the same manner as if he had been elected thereto.

Repeal

Sec. 3. Be it further enacted, That all laws or parts of laws, in conflict with this act, be, and the same are, hereby repealed.

Approved February 7th, 1899.

No. 313)

AN ACT

(H. 88

For the relief of Read Fertilizer Company of Charleston, S. C.

Whereas, on the 3rd day of February, 1898, Read Fertilizer Company of Charleston, S. C., purchased

from the commissioner of agriculture 4,000 (four thousand) fertilizer tags to be used on bags of fertilizer to be shipped into the State of Alabama, for which they paid to the department of agriculture the sum of one hundred and ninety-eight dollars (\$198.00); that the said tags were destroyed by fire, when the company's factory office and store room burned on the night of the 8th of February, 1898; that the company had to purchase other tags to replace those destroyed by fire.

Section 1. Be it enacted by the General Assembly of Alabama. That the sum of one hundred and ninety-eight dollars be appropriated out of the funds of the department of agriculture, to pay Read Fertilizer Company, of Charleston, S. C., for the four thousand fertilizer tags which were destroyed by fire, and for which they received no consideration, and that the auditor be directed to draw his warrant on the State treasurer for the sum of one hundred and ninety-eight dollars in favor of said Read Fertilizer Company, of Charleston, S. C.

Appropriation

Approved February 8th, 1899.

No. 314)

AN ACT

(H. 660

To relieve Benjamin Sankey Porter, a minor of Washington County, Alabama, of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That Benjamin Sankey Porter, a minor, of Washington county, Alabama, be, and he is hereby, relieved of all disabilities of non-age, and that he shall have the right to sue and be sued in any of the Courts of this State, contract and be contracted with; to buy, sell and convey real and personal property, and generally to do and perform all acts which he might and could lawfully do, were he of the age of twenty-one years.

Relief

Approved February 7th, 1899.

No. 315))

AN ACT

(H. 731)

To authorize and empower the Probate Court of Bullock County to appoint a guardian of the person and property of John P. West, a citizen of Bullock County, but now an inmate of the Alabama Bryce Insane Hospital.

Authority to
probate court

Section 1. Be it enacted by the General Assembly of Alabama, That the Probate Court of Bullock county is hereby empowered and authorized to appoint a guardian of the person and property of John P. West, a citizen of Bullock county, but now an inmate in Alabama Bryce Insane Hospital.

Bond

Sec. 2. Be it further enacted, That before issuance of letters of guardianship the judge of probate must require the guardian appointed to enter into bond with sufficient sureties, payable to the judge of probate, in such a penalty as required by laws of the State of Alabama, with condition for the faithful performance of all the duties which are or may be required of him by law.

Approved February 7th, 1899.

No. 318)

AN ACT

(H. 1050)

To repeal an act entitled "An act to change the name of Big Bear Creek to Bear River."

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "An act to change the name of Big Bear creek to Bear river," be, and the same is, hereby repealed.

Approved February 7th, 1899.

No. 319)

AN ACT

(H. 552)

To change the name of Madison Gustavus Burk and his wife, Rosa Bell Burk to Madison Gustavus Foster and Rosa Bell Foster.

To change

names

Section 1. Be it enacted by the General Assembly of Alabama, That the name of Madison Gustavus Burk and the name of his wife, Rosa Bell Burk, res-

idents of Randolph county, Alabama, be changed and that their names will be, his Madison Gustavus Foster, and hers Rosa Bell Foster, by which last name he, Madison Gustavus Foster, can contract and be contracted with, sue and be sued, and plead and be impleaded in all of the courts of this State, and that this act shall go into effect on and after its passage.

Approved February 7th, 1899.

No. 320)

AN ACT

(H. 1022

To alter and define the boundary line between Shelby and St. Clair Counties, in the State of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the boundary line between Shelby and St. Clair counties, be and the same is hereby altered and defined to be as follows: Commencing at the southeast corner of Section twelve (12), in Township nineteen (19), south, range two (2), east; thence running north to the northeast corner of Township eighteen (18), south, Range two (2), east; thence running west to the northwest corner of said Township eighteen (18), south, Range two (2), east; thence running north to the southeast corner of Section thirteen (13), Township seventeen (17), south, Range one (1), east, and thence running west to the southwest corner of Section fourteen (14), in said Township seventeen (17), south, Range one, east.

Sec. 2. Be it further enacted, That said line shall be marked out by Perry Wyatt, the surveyor of St. Clair county, and A. B. R. Doll, the surveyor of Shelby county, in conjunction with Thomas R. Beavers of St. Clair county, and Robert Lolly of Shelby county, who shall act as commissioners, and make the report to the Commissioners Court of each county, which shall allow them reasonable compensation of their services each county to bear one-half the expense.

Approved February 7th, 1899.

No. 321)

AN ACT

(H. 1027

To prevent the running at large of stock in certain portions of Morgan county.

Stock law
district

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful after March 1, 1899, for stock of any kind or description whatever to run at large in those parts of Morgan county known and described as Township 8, Range 5, and Township 7, Range 5, and beat or precinct No. 18.

Lien upon
stock

Sec. 2. Be it further enacted, That any person injured by any stock running at large in violation of the preceding section, either in person or property of any kind, shall have a lien upon such stock prior to all other liens for double the amount damages done by said stock and for the cost of all legal proceedings, prosecuted by the injured person for the recovery of such damages which recovery may be had as hereinafter provided in this act.

Damages

Sec. 3. Be it further enacted, That any person whose person or property has been injured by stock running at large or upon his land in violation of this act, may within thirty days after such damage was done, make verbal complaint against the owner or custodian of the stock doing the damage, to a justice of the peace or notary public of the precinct in which the damage was done. Whereupon such justice or notary public must issue a summons to the owner or custodian of said stock commanding him to appear before said justice or notary public on a day not more than five days days after the issuance of said summons, and answer the same. Upon trial before the justice or notary no written pleadings shall be required. If judgment be rendered for the plaintiff, the justice or notary trying the cause must, if such judgment and costs be not presently paid, condemn the stock doing the damage to be sold for the satisfaction of such judgment and costs; and shall forthwith issue to any lawful officer of Morgan county an order commanding him to sell the stock so condemned, describing them in said order. for the

Sale of stock

satisfaction of said judgment and costs: Provided, No justice shall render a judgment for damages for an amount greater than one hundred dollars.

Sec. 4. Be it further enacted, That any person injured by any live stock running at large in violation of this act, who may find such live stock running at large, shall have the right to take up such stock and confine them so as to prevent their doing further damage, for which he shall be entitled to receive twenty cents per head, and shall also feed and water said stock, and on trial when proof has been made that said stock were fed and watered properly and in sufficient quantities, the person taking up and feeding said stock shall be allowed twenty cents per day per head for each day such stock were cared for, and such care shall be taxed and collected as other costs are collected. May take up
stock

Sec. 5. Be it further enacted, That when any stock running at large in violation of this act shall have injured any one, either in person or property, and the owner or custodian thereof is unknown, then the justice or notary public to whom such complaint is made shall cause a notice to be posted in three public places in the neighborhood where such stock was found running at large, describing as fully as he can said stock, and giving ten days notice of the day upon which said trial will be held, and then proceed in all respects as provided in this act when the owner of the stock is known. When owner
unknown

Sec. 6. Be it further enacted, That should the stock sell for more than enough to pay the judgment and costs adjudged against said stock or owner or custodian, the surplus, if any, must be paid to the owner of said stock, if he is known, and if unknown, the surplus must be paid into Court and held for and paid over to the owner whenever he makes satisfactory proof that the stock was his property, and that he is entitled to the surplus proceeds of the sale thereof. Surplus

Sec. 7. Be it further enacted, That any person who causes any live stock to break away from their owner, custodian, guard or herdsman, or any Penalty

person who shall wilfully turn out any live stock of another, without his consent, and which stock, by reason thereof, runs at large upon the territory embraced in this act, or who takes or drives his stock upon the lands of another, within the said district, must on conviction, be fined not less than twenty-five dollars, nor more than five hundred dollars for each and every offense.

Liberally
construed

Sec. 8. Be it further enacted, That this act shall be liberally construed so as to achieve its purpose.
Approved February 8th, 1899.

No. 322)

AN ACT

(H 483

To provide for the issue of a writ of habeas corpus in Wilcox county in the absence, sickness or inability of the probate judge of said county for other causes to issue said writ: Provided, proof must first be made, either by the oath of the applicant, or other sufficient evidence of the particular facts which justify the address of the petition to the Register in Chancery.

Habeas
corpus

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act whenever the probate judge of Wilcox county is absent, sick or otherwise disqualified, the register in chancery for said county shall have the same power to issue a writ of habeas corpus as said probate judge now has under the general law.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved February 8th, 1899.

No. 324)

AN ACT

(H. 236

To prevent stock from running at large in the several beats or parts of beats in Etowah County, to authorize elections thereon, and to provide for building and maintaining fences and gates.

Section 1. Be it enacted by the General Assembly of Alabama, That whenever ten freeholders or householders in any beat or part of beat in Etowah county shall petition the probate judge of said county asking that an election be held in said beat or part of said beat to decide whether in said beat or part of said beat stock shall be prohibited from running at large, the probate judge shall order an election in such beat or part of beat, described in the said petition, and at a place to be designated in said petition, and shall notify the public that an election will be held at said voting, not less than twenty nor more than thirty days from such publication, specifying the day of election, to decide whether in said beat or part of beat described in said petition stock shall be prohibited from running at large. The probate judge shall also appoint two managers of such election, one of whom favors and the other opposes such law. At such election the qualified voters of said beat or part of beat only shall be allowed to vote. Those favoring the running at large of stock shall have on their ballots "Stock at Large," and those opposing shall have on their ballots, "No Stock at Large." Said ballots at the close of the election shall be counted by the managers and the results certified to the probate judge within two days after said election. If a majority of the votes cast as certified by the managers, are in favor of prohibiting stock from running at large the said probate judge shall enter on the minute books of the Court of County Commissioners, and it shall be unlawful in such beat or part of beat for the owner of any stock to permit stock to go upon the land or crop of another within the prohibited territory, and for each wilful vio

Elections

lation of this section, the owner of such stock shall be guilty of a misdemeanor and upon conviction of such offense shall be fined not less than five nor more than fifty dollars, and the term stock, when it occurs in this act, shall be construed to include horses, mules, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs.

Challengers

Contests

Trial of
contest

Sec. 2. Be it further enacted, That for every election provided for in this act the judge of probate shall appoint two challengers, one favoring and the other opposing the law. If any contest arises as to the result of any election held under the provisions of this act, the parties so contesting shall file with the probate judge within five days after said election his objection to granting the order prohibiting the running at large of stock and shall give bond, with sufficient security, to be approved by the probate judge, to pay the cost of the contest; the said judge shall cause the sheriff to summons twelve jurors residing outside of said beat or part of beat, who shall sit on the trial of said contests. Said jury shall be sworn by said judge to render a true verdict and on a day to be named by the judge not less than five or more than ten days from the filing of the contest, a trial shall be had, at which said judge shall preside, and conduct the same as other trials; the issue to be decided on such trial shall be: 1. Was said election held according to the provisions of this act. 2. Was the result for or against stock at large.

Rules for
elections

Sec. 3. Be it further enacted, That the election provided for by this act shall be held within the hours and under the rules governing general elections in this State. That the managers may administer to each other an oath that they will conduct the election fairly and true certificate render to the probate judge. If any of them fail or refuse to serve, any other competent man residing in the territory described may serve: Provided, There shall be but one election under this act in any one year, and any officer failing to perform his duty under this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined one hundred dollars.

Sec. 4. Be it further enacted, That for any damage done by stock running at large in such prohibited territory the owner shall be liable to the injured party in twice the amount of the damage done, to be recovered by suit before any Court having jurisdiction, and any such judgment recovered shall be a lien on the stock so committing the damage and the Court entering the judgment shall enter therein an order that the officer executing the writ of execution on said judgment shall seize and sell the said stock for the satisfaction of the judgment.

Damages

Sec. 5. Be it further enacted, That the prosecutions and civil actions provided for in this act may be tried before any justice or notary public with justice jurisdiction in the beat where the offense or damage occurs, and the amount of damage does not exceed fifty dollars. If the justice of the beat or notary public is incompetent or there is a vacancy in such office then trial shall be before a justice of the peace or notary public of the nearest beat wherein the above objections do not apply. For such trials and prosecutions said justice court shall always be open, but three days notice shall be given the opposing party.

Prosecutions

Sec. 6. Be it further enacted, That the petitioners shall pay the cost of holding any election provided for in this act.

Costs

Sec. 7. Be it further enacted, That the provisions of this act shall not take effect until a fence shall have been built on the line prescribed in the petition and gates across the public roads running through said district and said fence and gates shall be built by the real estate owners within the prohibited district.

When this act
takes effect

Approved February 8th, 1899.

No. 326)

AN ACT

(H. 406)

For the relief of Mrs. Alice B. Patton of Sumter County.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That Alice B. Patton, widow and administratrix of the estate of David W. Patton, deceased, of Sumter county, be, and she is hereby authorized and empowered to sell, exchange or otherwise dispose of the property of said estate without the usual proceedings of the Courts in such cases, either at public or private sale, and to make perfect titles to said property.

Approved February 8th, 1899.

No. 327)

AN ACT

(H. 424)

To authorize the Mayor and Council of the Town of Greenville to negotiate a loan for the purpose of establishing a system of electric lights in the Town of Greenville, and to issue bonds for the payment of said loan.

May borrow

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the Town of Greenville, in the County of Butler, and State of Alabama, be, and they are hereby, duly authorized and empowered to borrow and expend a sum not exceeding ten thousand dollars, to be expended and applied to the establishment of a system of electric lights for and in the said Town of Greenville.

Authority of
mayor and
council

Sec. 2. Be it further enacted, That in payment of said sum, and to carry out fully the power and authority granted under Section 1 of this act, the mayor and council be, and they are hereby, fully authorized to issue the bonds of said town in the sum not exceeding ten thousand dollars, to be known as the "Improvement Bonds," with cou-

pons attached, signed and numbered, to correspond with said bonds, showing the amount of interest, and when payable; said bonds to run not longer than twenty years; redeemable at the option of the town after ten years, and to bear interest at not more than six per cent., to be issued in such form and manner and the mayor and council shall direct, in sums not less than one hundred dollars: Provided further, That none of said bonds shall be sold by said mayor and council for less than their face value.

Approved February 8th, 1899.

No. 328)

AN ACT

(H. 490

To relieve Hulit Davis of Montgomery County of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That Hulit Davis, a minor, under the age of eighteen years, of Montgomery county, Alabama, be, and is hereby relieved from the disabilities of non-age, and is hereby invested with the right to sue and be sued, contract and be contracted with, to buy, sell and convey real or personal property and generally to do and perform all things which said minor could lawfully do if twenty-one years of age. Relief

Approved February 8th, 1899.

No. 330)

AN ACT

(H. 491

To relieve Willie Lee Davis of Montgomery County of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That Willie Lee Davis, a minor, under the age of eighteen years, of Montgomery county, Alabama, be, and is hereby relieved of the disabilities of non-age, and is hereby invested with the right to sue and be sued, contract and be contracted with, to buy, sell and convey real or personal property and generally to do and perform any and all things that such minor could do if twenty-one years of age. Relief

Approved February 8th, 1899.

No. 331)

AN ACT

(H. 589)

To remove the disabilities of non-age of Ernest M. Adams, a minor, under the age of eighteen years.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That Ernest M. Adams, a minor, under the age of eighteen years, residing at Atmore, in the County of Escambia, and State of Alabama, be and he is hereby relieved of all the disabilities of non-age and shall have the right to sue and be sued, contract and be contracted with, to buy, sell and convey real estate, and generally to do and Alabama 204 perform all acts which such minor could lawfully do if twenty-one years old.

Approved February 8th, 1899.

No. 332)

AN ACT

(H. 619)

For the relief of John A. Bradford of Marengo County.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners of Marengo county are hereby authorized and directed to draw a warrant on the treasurer of said county in favor of John A. Bradford for the sum of two hundred dollars for money paid out by said Bradford to said county on the forfeited appearance bond of one Jack Connella, who was charged with the larceny of a hog, and who forfeited his bond, and after judgment had been rendered on said bond the hog alleged to have been stolen turned up and was recovered by the owner.

Appropriation by county

Sec. 2. Be it further enacted, That said warrant shall be a preferred claim against any funds in the hands of the treasurer of said county.

Approved February 8th, 1899.

No. 333)

AN ACT

(H. 760

To provide and establish a stock law for Lamar
and Fayette Counties.

Section 1. Be it enacted by the General Assembly of Alabama, That whenever twenty-five bona fide residents of any precinct shall file with the judge of probate of said counties a petition in writing stating that they desire an election in such precinct to ascertain whether or not a majority of the residents of said precinct desire a stock law in such precinct, prohibiting the running at large of stock, and shall deposit with the probate judge an amount of money sufficient to defray the expenses of holding such election, it shall be the duty of the said probate judge to file said petition in his office and endorse thereon an order that an election shall be held in such precinct on a day to be named in such order, not less than forty days from the date of filing such petition; and it shall be the duty of said judge of probate to cause a notice to be inserted in some newspaper published in said county, of the time and place of holding such election. Petition for
election

Sec. 2. Be it further enacted, That said election shall be held on the day specified in the order and notice provided for in the preceding section; that managers for said election shall be appointed as in general elections for county officers, and said election shall be held in the same manner and under the same regulations as such general elections: Provided, That the ballots to be prepared by the judge of probate shall have printed thereon "Stock Law, Yes," "Stock Law, No," and, provided, that the elector shall indicate his choice by making a cross mark in front of the word "Stock Law, Yes," if in favor of stock law, and by making a cross mark in front of word "Stock Law, No," if opposed, and, provided, further, that both those in favor of stock law, and those opposed, shall be represented on the board of managers, clerks and fixers. Election.

Returns of Sec. 3. Be it further enacted, That the returns shall be made in the same manner as in general elections for county officers, and the returns canvassed in the same manner as in general elections, and the result shall be certified by said judge of probate and filed with the petition already filed in his said office. Said petition and order endorsed thereon, and certificates of the result, shall be recorded in the stock law record in said office of the judge of probate, and for making such record the judge of probate shall be entitled to the usual fees for recording, to be paid out of the funds deposited with him.

Entitled to Sec. 4. Be it further enacted, That all land owners in such precinct in which such election is held, shall be entitled to vote at such election, but no registration shall be necessary to entitle any elector, otherwise qualified, to vote, and provided, further, that no person shall be entitled to vote in said election who has not been a bona fide resident of such precinct for three months prior to such election, and any illegal voting in such election shall be punished in the same manner as illegal voting in general elections.

Result Sec. 5. Be it further enacted, That if a majority of the votes cast be "Stock Law, Yes," it shall be unlawful for any stock to run at large in such precinct in which the election was held, and if a majority of the votes cast be "Stock Law, No," it shall not be unlawful for stock to run at large in the precinct in which the election was held: Provided, That the result of such election shall not take effect until after the lapse of six months after such election is held.

Contests Sec. 6. Be it further enacted, That such elections may be contested on the same grounds and in the same manner as contests of elections for county officers are had.

Time between Sec. 7. Be it further enacted, That when an election has been held in any precinct under the provisions of this act, no other election shall be held therein until after the lapse of one year from the time of holding such election.

Sec. 8. Be it further enacted, That any person injured by any live stock running at large in violation of the provisions of this act, either in person or to his wife, child, crop or property of any kind, shall have a lien upon such stock which shall be superior to all other liens, for all damage done by said stock, and the cost of all legal proceedings prosecuted by the injured party for the recovery of such damages. Lien

Sec. 9. Be it further enacted, That any person, his agent or attorney, whose property or person is injured by any stock running at large in violation of this act, may, within thirty days after such damage was done, make complaint against the owner of the stock doing the damage, to a justice of the peace or notary public ex-officio justice of the peace of the precinct, in which the damage was done, or if there be no justice of the peace or notary public ex-officio justice of the peace of such precinct, then to any such officer of an adjoining precinct; said complaint must describe, as nearly as may be, the stock doing the damage, and the property, person or thing injured, and state the amount of damage done: Provided, Two or more owners of stock may be joined in the same complaint where the damage is done by stock belonging jointly to two or more persons. Upon the filing of said complaint the justice of the peace or notary public ex-officio justice of the peace must issue a summons to the owner of said stock, commanding him to appear before him on a day not less than three nor more than ten days after the issuance of said summons and answer, which may be served on the owner, custodian or herdsman of said stock. On the trial of said cause if judgment be rendered for such complaint the justice trying the cause must, if such judgment and cost be not presently paid, condemn the stock doing the damage to be sold for the satisfaction of such judgment and cost and shall forthwith issue an execution therefor and endorse thereon an order commanding the officer executing the same to sell the stock so condemned, describing them in said order, for the satisfaction of such judgment and cost. Trials

Rights to
take up

Sec. 10. Be it further enacted, That any owner or manager or person in control of any land within the limits of any stock law district established under the provisions of this act, or their agent, who may find any live stock running at large upon his land contrary to the provisions of this act, shall notify the owner, custodian or herdsman thereof, if known to him, or if he can reasonably ascertain who such owner, custodian or herdsman is, within twenty-four hours, personally or by leaving written notice at his home: Provided, The home of such owner is not more than five miles distant; and he shall have the right and it shall be his duty only to take up said live stock and confine the same so as to prevent their doing other or further damage for which he shall be entitled to receive the sum of twenty-five cents per head, to be taxed as cost, and he shall also feed and water said stock while so detained, and the cost of feeding and watering said stock, not exceeding twenty-five cents per day for each, shall on proof being made to said justice on the trial of said cause, that feed and water were given the said stock in sufficient quantity and of good quality, be taxed against the defendant as other costs are taxed and collected from the sale of said stock or by execution against the owner thereof; provided, that any taker-up of such stock who fails to use reasonable diligence to so notify the owner, custodian or herdsman thereof, shall not be entitled to any pay for keeping said stock for all time over twenty-four hours that they so failed to notify such owner, custodian or herdsman as required by this section.

Owner
unknown

Sec. 11. Be it further enacted, That when any live stock is found trespassing upon lands within any stock law district established under the provisions of this act or when any person or property is injured by stock running at large contrary to the provisions of this act, and the manager, custodian, herdsman or owner of such stock is unknown to the person whose property or person is injured, or on whose lands said stock is trespassing, the person taking up the stock must within three days after so

doing make complaint under oath to a justice of the peace or a notary public ex-officio justice of the peace of the precinct, or of an adjoining precinct, if there be no justice of the peace or notary public ex-officio justice of the peace in said precinct where the damage is done, describing, as nearly as may be, the stock doing the damage and the property, person or thing injured and the amount of the damage, and that the owner of such stock is unknown after reasonable efforts to ascertain the name of such owner. Then the justice to whom complaint is made shall appoint a day not less than four nor more than ten days distant and cause a notice to be posted in three public places in the neighborhood of the land upon which said live stock was found trespassing, or in which such injury was done, describing, as nearly as may be, said stock and giving notice of the day upon which said trial will be held, and on the day fixed for said trial or on that to which it may be continued, he shall proceed with said trial in all respects as provided in this act, where the owner of the stock is known and any owner of such stock may appear and make himself a party to any such suit. Should the stock sell for more than enough to pay the judgment and costs adjudged against said stock or the owner thereof, the surplus must be paid to the owner of said stock, if he is known, by the justice, and if he be unknown, the justice must within thirty days after said sale, pay the surplus into the county treasury; Provided, That the treasurer should pay the sum to the owner whenever he makes satisfactory proof that the stock was his property and that he is entitled to the surplus proceeds of the sale of such stock, and provided, further, that such owner shall have the right at any time within twelve months after such sale to redeem such stock from the purchaser at said sale or any purchaser, from him, by paying all damages and costs adjudged against them, together with a reasonable amount for keeping said stock up to the time of said application to redeem, over and above the value of their use, if anything; and on so making

Owner un-
known

Sale

Right to
redeem

Right to
redeem

such payment or offer to pay, the party in possession of said stock must deliver the same to the owner thereof, provided, that if the parties are unable to agree as to what amount the owner should pay to redeem his stock, such owner may bring an action of detainer for such stock and upon suggestion require the court or jury trying the case to ascertain the amount such owner should pay to redeem the stock sued for and such ascertainment must be entered on the record of the judgment, and the Court must order that if the amount so ascertained as necessary to redeem said stock, interest and cost of suit be paid within five days to the defendant or Court trying the same, for his use, then the plaintiff shall have judgment that if before such suit is brought the plaintiff shall tender to defendant an amount he considers sufficient to redeem his stock, and such tender is refused, then, if on such trial, no greater amount than was so tendered, is ascertained to be necessary for such owner to pay in order to redeem his stock, such owner shall not be required to pay any costs of suit, but the costs of suit in that instance shall, (if the owner pays the damages ascertained to be paid by him) be taxed against the defendant.

Payment of
damages

Sec. 12. Be it further enacted, That whenever the owner, custodian or herdsman of any stock arrested for trespass upon the lands of another shall tender or cause to be tendered to the person injured or having his stock in custody, an amount sufficient to cover the amount of damage done and all costs and expenses that may have accrued up to the time of such tender, if said tender is refused and the damage and costs up to the time of such tender are not assessed at an amount greater than the amount so tendered, then the plaintiff shall not have or recover judgment for any costs or for any further feeding and watering.

Replevy

Sec. 13. Be it further enacted, That whenever any stock is confined or delivered under the provisions of Sec. 10 of this act, the owner thereof, his agent or some responsible person for him, may replevy the same by giving bond in double the amount

of the damages and costs then claimed, to be approved either by the person damaged by such stock, or by the justice of the peace, or by the notary public ex-officio justice of the peace, before whom the complaint is made, and conditioned to have such stock forthcoming on the day and at the place appointed for their sale, for the satisfaction of any judgment that may be rendered declaring a lien upon such stock under the provisions of this act.

Sec. 14. Be it further enacted, That any person who wilfully or maliciously causes any live stock to break away from their herder, guard or tether, in any established stock law district, and permits such stock to run at large, contrary to the provisions of this act, or for the purpose of injuring or annoying the owner, custodian or herdsman of such stock, any person who unlawfully takes or drives any live stock upon the lands of another without the consent of the owner or person in charge of said lands, or unlawfully takes away from any lot or place where such stock has been empounded, without first having paid the fees required by this act, and without the consent of the person in charge thereof, shall be guilty of a misdemeanor, and on conviction shall be fined not less than two not more than twenty-five dollars for each offense: Provided, no prosecution shall lie under this section when a person is trying to reclaim or empound stock running at large.

Sec. 15. Be it further enacted, That it shall be unlawful for any person to tie or stake out any stock of any kind within any stock law district established under this act, on, or sufficiently near any public road or bridge, as that they may graze or go upon said public road or wander about such bridge, and any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than one dollar nor more than twenty-five dollars.

Sec. 16. Be it further enacted, That justices of the peace and notaries public ex-officio justices of the peace shall have jurisdiction of offenses under

this act, and on conviction shall have authority, on failure of defendant to pay or secure the fine and costs, to sentence the defendant to hard labor not only for the fine but also for the costs of the prosecution, and for the purpose of suits and prosecutions under this act such Courts shall always be open.

Appeal

Sec. 17. Be it further enacted, That from any judgment rendered by any justice of the peace or notary public ex-officio justice of the peace, under the provisions of this act, either party may appeal to the Circuit Court as in other cases.

Unlawful

acts Sec. 18. Be it further enacted, That the owner or manager of any stock who shall knowingly, wilfully or negligently suffer such stock to run at large off his own premises, in violation of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than two nor more than twenty-five dollars. All prosecutions under this section must be commenced within twenty days after the commission of the offense, and only a party injured by such stock shall have the right to institute such prosecution.

Unlawful

acts Sec. 19. Be it further enacted, That any person who shall wrongfully and wilfully drive, or cause to be driven, any stock from outside of any stock law district, established under the provisions of this act for the purpose of injuring or annoying the owner, custodian or herdsman of such stock, or for other unlawful purpose, and any person who shall negligently and wilfully leave open any gate or break any fence within any stock law district, knowing that stock are confined therein, and who shall unlawfully and wilfully turn any stock within any such district out of any inclosure, and thereby cause them to run at large within such district without the consent of the owner of such stock, shall be guilty of a misdemeanor, and on conviction shall be fined not less than two nor more than twenty-five dollars for each offense. Prosecutions under this must be commenced within twenty days after the commission of the offense, but only on the complaint of the owner of the stock so driven into the district or turned out of such inclosure.

Sec. 20. Be it further enacted, That any citizen residing within any stock law district established under the provisions of this act shall have the right to erect gates across any public or private road, at or near the line of any such stock law district when deemed necessary to prevent trespass by stock from outside of such stock law district, and when any such gate is so erected, any person who negligently or wilfully leaves said gate open or unfastened, or who negligently, wantonly or maliciously injures or destroys said gate, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one nor more than twenty dollars, one-half of the fine to go to the owner of the gate so injured or to the person who erected or has charge of the same. Gates

Sec. 21. Be it further enacted, That any person who shall, within any stock law district, discharge any gun or other fire arms within any pasture where stock are confined, or within one hundred yards of such inclosure, without the consent of the owner of such pasture or stock confined therein, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than twenty-five dollars. Firing gun
forbidden

Sec. 22. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed: Provided, that this act shall not abrogate any stock law, full or partial, heretofore established in said county, and provided, further, that henceforth such stock law district shall in all respects be governed by the provisions of this act. Repeal
Proviso

Approved February 8th, 1899.

No. 334)

AN ACT

(H. 763

To better provide for the establishment and working of the public roads in Limestone county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the Commissioners Court of Limestone county shall in each year at its first

Duty of com-
missioners
court

regular meeting, set apart a portion of the county revenue, equal to one-tenth of one per centum of the taxable property of the county, and may increase this sum from any surplus in the treasury, for the purpose of aiding in the establishment and maintenance of the public roads and bridges in the county; and the funds so set apart shall be kept separate and apart from other funds by the county treasurer, and used only for the purposes indicated in this act.

Sums for
precincts

Sec. 2. Be it further enacted, That the sum so set apart shall be divided among the several precincts of the county in proportion to the taxes assessed in each precinct; and when so appropriated by the Court of County Commissioners shall be entered to the credit of the respective precincts by the county treasurer in an account to be kept by him with each of said precincts, and shall be paid out only on the written order of the majority of the road apportioners of said precinct, which order shall state specifically for what purpose the same is paid and the precinct to which it is to be charged.

Application
of funds

Sec. 3. Be it further enacted, That the road apportioners shall apply the funds apportioned to their precinct to the construction, and maintenance of the public roads within their precinct, and to the necessary materials, tools and implements thereof: provided, however, that all debts contracted shall be based on and payable out of this appropriation for the current year; and provided, further, that no part of said appropriation shall be used for repair of bridges built and maintained by Commissioners Court by contract.

Records and
reports

Sec. 4. Be it further enacted, That the road apportioners shall keep a correct record of all official business done by them, and make a report of the same to the judge of probate on or before the twenty-fifth day of December of each year, and shall make an itemized statement in writing, showing how the money appropriated to their precinct has been expended, and the amount on hand, which statement shall be filed in the office of the probate

judge and posted conspicuously at the polling places, subject to the inspection of the tax payers and road hands of their respective beats.

Sec. 5. Be it further enacted, That the road apportioners, shall, at their first meeting, elect a chairman, who shall take charge of all road tools and implements belonging to their respective precincts for the proper issuance to the road overseers. The road apportioners shall not permit any overseer to retain the tools and implements used by him for a period longer than fifteen days, and no overseer shall be entitled to the benefit of exemption allowed him by law until he has obtained from the apportioners a certificate stating that all tools and implements received by him have been properly returned. The road apportioners shall account to their successors for all tools and implements purchased by them or received from their predecessors, and shall not be entitled to the benefits and exemptions now allowed them by law until such accounting has been properly made.

Tools and implements

Sec. 6. Be it further enacted, That overseers shall dismiss from service on the road any hand, whether working for himself or as a substitute, who shall fail to do good and sufficient work, or who shall hinder other hands, or who shall be intoxicated, or who may refuse to obey any reasonable direction or order of the overseer, or who shall spend his time in idleness or inattention to the work assigned him, and shall proceed against such hand as though he had failed or refused to obey the notice to work said road.

Causes for dismissal

Sec. 7. Be it further enacted, That it shall be the duty of the county treasurer to make a report to, and settle with, the judge of probate for all sums appropriated or coming into his hands for the benefit of public roads, and shall account for the same in the same manner that he is required to do for other county funds, and shall be allowed to retain the same commissions as are allowed by law for receiving and paying out other funds.

Duty of county treasurer

Sec. 8. Be it further enacted, That all persons subject to road duty who shall on or before the

Payment to
exempt first day of February in each year pay to the county treasurer the sum of three dollars shall be exempt from service for the current year, and the sum so paid shall be placed by the county treasurer to the credit of the road fund of the beat in which the person so paying resides, and shall be used and disbursed as other funds in this act provided for. The county treasurer shall give to such person a receipt for the amount so paid, stating therein the name of the person paying and the beat in which he resides.

Alphabetical
list Sec. 9. Be it further enacted, That it shall be the duty of the county treasurer on or before the first day of March in each year to furnish the chairman of the board of road apportioners in each beat an alphabetical list of all persons who shall have complied with the provisions of section eight of this act.

Duty of coun-
ty commis-
sioners Sec. 10. Be it further enacted, That the Court of County Commissioners shall cause to be prepared and furnished to the road apportioners and overseers copies of this act, together with such printed blanks as may be necessary for the proper enforcement of this act.

Repeal Sec. 11. Be it further enacted, That, except as the same may be in conflict with this act, the laws now in force in the State in reference to roads and bridges shall continue in force, and all laws in conflict with this act in so far as they pertain to Lime-stone county be, and the same are hereby repealed: Provided, however, that nothing in this act shall be construed as in any way to alter, abridge or impair the power of the Court of County Commission-ers to build, repair and maintain bridges.

Approved February 8th, 1899.

No. 335)

AN ACT

(H. 788

To establish and maintain a uniform series of text-books to be taught in the public schools of Marion county, Alabama, and provide for a board to select the same.

Section 1. Be it enacted by the General Assembly of Alabama, That there shall be a uniform series of text-books selected to be taught in the public schools in Marion county. Uniform series

Sec. 2. Be it further enacted, That there shall be created a school book board for the County of Marion, to consist of seven members, viz: The county superintendent of education, the other two members of the county board of education, the judge of probate, clerk of the Circuit Court and two efficient first-grade teachers, one to be selected by the judge of probate and the other by the clerk of the Circuit Court, who shall serve during the official term of the said judge of probate and clerk of the Circuit Court, and whose successors shall be appointed by each succeeding judge of probate and clerk of the Circuit Court of Marion county. Schools-book-board

Sec. 3. Be it further enacted, That the county superintendent of education shall be chairman of the said school book board, and it shall be the duty of said board to make a selection of standard school books which shall be the only text-books to be used in the public schools of Marion county. Chairman

Sec. 4. Be it further enacted, That within thirty days after the passage of this act, said school book board shall meet at the courthouse and elect one of its number secretary, who shall immediately open correspondence with the leading publishing houses of standard school books, for prices, character of books, and what they, or any of them will allow in exchange for old books; and he shall submit to the board at its next meeting, not less than twenty nor more than forty days thereafter, the different prices and styles of books received by him Duties of board

	from different school book publishing houses, together with such information as he may have in reference to exchanging old books for new ones.
Selection	Sec. 5. Be it further enacted, That said board shall, as early as practicable after receiving the report of the secretary, provided for in section 4 of this act, select a series of standard school text-books, which shall be used by all the public schools of Marion county; said adopted text-books shall not be changed thereafter for five years.
List and prices	Sec. 6. Be it further enacted, That after a uniform series of text-books shall have been selected and adopted, the superintendent of education shall notify all teachers of the public schools of Marion county, of such selection, and furnish each with a list of books so selected, with prices of each as given to him or as agreed upon by the publishing house or houses, and the said board.
Duties of teachers	Sec. 7. Be it further enacted, That it shall be the duty of every teacher in the public schools of said County of Marion to state in his or her reports the kind of books used, and whether or not he or she has used the books prescribed by the school board hereinbefore provided for.
Penalty	Sec. 8. Be it further enacted, That no teacher whose reports do not show that he or she used the books prescribed by said board under the provisions of this act, shall not receive any part of the public school funds.
No other books	Sec. 9. Be it further enacted, That none but the text-books so selected and adopted by said board, shall be taught in the public schools of Marion county, from and after the first day of October, 1899, for five years, and thereafter until the same shall be changed by said board.
Act applies to	Sec. 10. Be it further enacted, That the provisions of this act shall not apply to the West Alabama Agricultural School and Experiment Station, at Hamilton, in Marion county.
Repeal	Sec. 11. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.
	Approved February 8th, 1900.

No. 336)

AN ACT

(H. 795)

To amend an act entitled, "An act to regulate the issuance of license to sell vinous, spirituous or malt liquors in Morgan county," approved February 3d, 1883.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled, "An act to regulate the issuance of license to sell vinous, spirituous or malt liquors in Morgan county," approved February 3d, 1883, be, and the same is amended so as to read as follows: Act amended

Section 1. That from and after the passage of this act, no license must be granted to sell vinous, spirituous or malt liquors in Morgan county, and no license must be granted to sell vinous, spirituous or malt liquors, or cider, or bitters in the town of Hartselle, Alabama, or anywhere in precinct No. 10 in said county, unless the applicant produce to the judge of probate or any other person authorized by law to grant such license, the recommendation of a majority of the legal voters of the election precinct in which such applicant proposes to sell, stating that they are acquainted with him, that he is possessed of a good moral character, and is in all respects a proper person to be licensed: Requisites for liquor license

Provided, the provisions of this act shall not apply to precincts one (1) and nineteen (19) in Morgan county. Proviso

Approved February 8th, 1899.

No. 337)

AN ACT

(H. 910)

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors in beat No 9, Morgan county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person or persons to sell, give away or otherwise dis-

Prohibition

pose of any spirituous, vinous or malt liquors or intoxicating bitters, wines or other beverages within beat No. 9, of Morgan county Alabama: Provided, that the provisions of this act shall not be so construed as to prevent the use of wines for sacramental purposes; and provided, further, that the provisions of this act shall not prevent a regular practicing physician, who has complied with the laws regulating the practice of medicine in the State, from keeping and administering such liquors when necessary in his actual, legitimate practice, but this provision shall not be so construed as to allow or legalize any other sale or other disposition of any such liquors or compounds thereof, made on the prescription or order of any physician.

Penalty

Sec. 2. Be it further enacted, That any person violating the provisions of the foregoing section shall on conviction be fined not less than twenty-five, nor more than one hundred dollars for the first offense, and for second or other offense, shall be fined not less than one hundred dollars nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than twelve months, at the discretion of the Court trying the same.

When act
goes into
effect

Sec. 3. Be it further enacted, That this act shall go into effect as soon as approved by the governor.
Approved February 8th, 1899.

No. 338

AN ACT

(H. 919)

To amend an act entitled, "An act to incorporate the Town of Northport," in so far as the same relates to the time of holding the elections in and for said town.

Section 3
amended

Section 1. Be it enacted by the General Assembly of Alabam, That section three (3) of an act entitled, An act to incorporate the town of Northport, approved February 12, 1879, be amended so as to read as follows:

Sec. 3. Be it further enacted, That the intendant and council now in office in the town of Northport shall cause an election to be held on the first Saturday in March, in the year 1899, for mayor and four councilmen of the town of Northport, to be held at such place in said town as such mayor and councilmen may determine, which officers shall hold office for two years from the time of their election, and until their successors are elected and qualified, and that each subsequent board of mayor and councilmen shall in like manner cause an election to be held every two years thereafter for the election of such mayor and councilmen and their successors, who shall in like manner hold office for two years from the time of their election and until their successors are elected and qualified.

Elections of
mayor and
councilmen

Approved February 8th, 1899.

No. 339)

AN ACT

(H.1007

To require all purchases of supplies of every kind for Morgan county, and of all Courts thereof, and for the jail or inmates thereof, to be made by or authorized by the Court of County Commissioners of said county.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, that the Court of County Commissioners of Morgan county are alone empowered and authorized to contract for or purchase supplies for Morgan county, and for supplies for all the Courts of said county, and for supplies for stationery for all the public offices in said county, and for supplying coal, clothing and medicine for the prisoners in the jail of said county.

Commission-
ers court to
make con-
tract

Sec. 2. Be it further enacted, That from and after the approval of this act, that no judge or chancellor, and no register in chancery, sheriff, Circuit Court clerk, tax assessor, tax collector, or other county officer shall have power to purchase sup-

When pur-
chases void

plies for said county, or for any office or officer therein, or for any court sitting therein, without said purchase, before being made is specifically authorized by the Court of County Commissioners for said county; and all purchases made contrary to the provisions of this act, are hereby declared void, and uncollectible by any proceeding in any of the Courts of this State.

Applies to

Sec. 3. Be it further enacted, That the provisions of this act shall apply to all supplies furnished to the Chancery or Circuit Court of said county.

Misdemeanor

Sec. 4. Be it further enacted, That all judges, chancellors or county officials making purchases for Morgan county contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, punished as such.

Repeal

Sec. 5. Be it further enacted, That all laws and parts of laws, so far as they relate to Morgan county, and that are in conflict with the provisions of this act, are hereby repealed.

Approved February 8th, 1899.

No. 340)

AN ACT

(H. 1034

To prevent the running at large of stock in Precinct No. 9, and certain other portions of Shelby county, Alabama.

Stock law
district

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the first day of December, 1899, it shall be unlawful for any horse, mare, colt, gelding, filly, mule, ass, jenny, cow or cattle of any kind, hog, sheep or goat to run at large in the territory now known as Precinct No. 9, and all that part of the S. $\frac{1}{2}$ and the S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of Section 27, also S. E. $\frac{1}{4}$ of Section 28, Township 21, Range 1 east, in Precinct No. 1; also all that part of N. W. $\frac{1}{4}$ and N. E. $\frac{1}{4}$ and N. $\frac{1}{2}$ of S. W. $\frac{1}{4}$ and W. $\frac{1}{2}$ of S. E. $\frac{1}{4}$ Section 7, also W. $\frac{1}{2}$ of N. W. $\frac{1}{4}$ Section 8, Township 21, Range 1 east, in Precinct No. 10, Shelby county, Alabama.

Sec. 2. Be it further enacted, That any stock found running at large in said territory may be taken up by the owner of the premises upon which it is found or by his agent or tenant, and the person so taking up shall within one day notify the owner or owners thereof if they are known, and if not known, then any justice of the peace in said territory, said stock to be held and properly cared for by the person so taking it up until all damages done to said premises or crops, together with reasonable charges for feeding and caring for the same, to wit: Ten cents per day for hogs, sheep, goats and cows, and twenty-five cents per day for horses, mules, jacks and jennies, are paid by the owner of the stock; and if no owner appears to claim said stock, then the justice of the peace so notified, shall appoint three disinterested freeholders, who shall assess the said damages, and the justice of the peace shall sell the said stock at public outcry, for cash, after giving ten days notice of time and place of sale, and apply the proceeds of said sale to the payment of said damages and all costs arising, the remainder, if any, to be turned over to the owner, if any should appear, and if not, then to be held by the justice of the peace, until such owner shall appear.

May be taken
up

When owner
unknown

Sale

Sec. 3. Be it further enacted, That when the owner of said stock shall claim the same, if he and the person taking up cannot agree upon the damages, they shall submit the question to a jury of three disinterested freeholders of the precinct, to be appointed by some justice of the peace of said precinct, and the damages assessed by said jury, together with all costs accruing, shall be paid by the said owner before recovering his stock; and the award of said jury shall constitute a prior lien upon said stock for the payment of the said amount.

Jury to assess
damages

Sec. 4. Be it further enacted, That justice of the peace shall be entitled to a fee of one dollar for their services rendered under this act, to be paid by the owner of said stock or out of the proceeds of the sale of the same; and that the three freeholders provided for by this act to assess dam-

Fees

ages, shall be entitled to a fee of fifty cents each for said services, to be paid in like manner as above provided.

Approved February 8th, 1899.

No. 341)

AN ACT

(H. 1048

To prohibit the sale, giving away, or otherwise disposing of any spirituous, vinous or malt liquors within six miles of Tabernacle, Andrew Chapel and Forest M. E. Churches, in Pickens county, Alabama.

Prohibition

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act, it shall be unlawful for any person to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors within six miles of either Tabernacle, Andrew Chapel or Forest M. E. churches, in Pickens county, Alabama.

Penalty

Sec. 2. Be it further enacted, That any person who shall violate the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than twenty dollars for each and every offense.

Repeal

Sec. 3. Be it further enacted, That all laws in conflict with this act be, and the same are hereby repealed.

Approved February 8th, 1899.

No. 342)

AN ACT

(H. 1127

To amend sub-division 1 of section nine (9) of an act entitled, An act to confirm the incorporation of the town of New Decatur, in the County of Morgan, and to enlarge and define the corporate powers of said town.

To amend
subdivision
1 of Sec. 9

Section 1. Be it enacted by the General Assembly of Alabama, That sub-division 1 of section nine (9) of an act entitled, An act to confirm the incorporation of the town of New Decatur, in the County of

Morgan, and to enlarge and define the corporate powers of said town, approved December 14th, 1898, be amended so as to read as follows:

Sec. 9. Be it further enacted, That the mayor and aldermen may levy and collect each year, upon all real and personal property and all subjects of State taxation within said town, a tax not exceeding one-half of one percentum of the value of such property, or subjects of taxation, as assessed for State taxation, during the current year, the tax is levied by the mayor and aldermen. They shall also have the power to levy a street tax, and no property shall be exempt from taxation. Rate of tax

Approved February 8th, 1899.

No. 343)

AN ACT

(H. 865

To authorize the intendant and councilmen of the town of LaFayette to issue bonds of the said town for an amount not exceeding twenty thousand dollars, for the purpose of putting in a system of water works and electric lights in said town.

Section 1. Be it enacted by the General Assembly of Alabama. That the intendant and councilmen of the town of LaFayette be, and they hereby are, authorized to issue bonds of said town of LaFayette to an amount not exceeding twenty thousand dollars or so much thereof as said intendant and councilmen of the town of LaFayette may deem necessary, for the purposes hereinafter named, in denominations of not less than one hundred dollars each, and payable twenty years from the date of their issue, but they shall be so issued that the said intendant and councilmen of the town of LaFayette may redeem one-twentieth of the principal thereof annually. Said bonds shall have coupons attached, bearing interest at the rate of six per cent. per annum, and said bonds shall be payable to bearer at such place as may be designated therein. May issue
bonds

Signed by Sec. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall be signed by the intendant and countersigned by treasurer of said town of LaFayette, and the said treasurer must keep a correct record and account of all the bonds issued and disposed of under this act.

Authority of Intendant and councilmen Sec. 3. Be it further enacted, That the intendant and councilmen of the town of LaFayette are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted, and no technical informality, or irregularity or neglect or omission in the proceedings or record of the said intendant and councilmen of the town of LaFayette shall in any wise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper, and shall be receivable in payment of all dues to said town for taxes and otherwise.

Sale of bonds Sec. 4. Be it further enacted, That the said intendant and councilmen of the town of LaFayette shall be authorized, and they are hereby authorized to negotiate and sell such bonds as may be issued by them by virtue of this act, or any portion of them, but said bonds shall not be sold for less than par (100 cents on the dollar), and the proceeds of said bonds so sold shall be paid over to and kept by the treasurer of said town, to be used and applied in the purchase, erection and maintenance of water works and electric lights in said town, or the erection and maintenance of either water works or electric lights in said town, as the said intendant and councilmen may determine.

Use of proceeds Sec. 5. Be it further enacted, That the use, payment and application of said money shall be under the direction of the said intendant and councilmen of the town of LaFayette, and the said treasurer shall be responsible for the safe keeping of the funds arising from the sale of said bonds which may come into his hands in his official capacity, the same as for other town funds, and there shall be no commissions paid to said treasurer for receiving or disbursing the funds arising from the

sale of said bonds named in this act.

Sec. 6. Be it further enacted, That the bonds herein provided for shall have priority of payment over all other bonds of said town which may be hereafter issued, and it shall be the duty of the said intendant and councilmen of the town of LaFayette to provide for the payment of the same, principal and interest, before the providing for the payment of other bonds that may hereafter be issued by said town of LaFayette.

Sec. 7. Be it further enacted, That intendant and councilmen of the town of LaFayette shall provide for the payment of the principal of said bonds by setting apart for that purpose from the revenue of said town of LaFayette each year, beginning one year after the issuance of said bonds or any of said bonds, an amount equal to five per cent. of said bonds so issued under the provisions of this act, and said sum so set apart shall not be used for any other purpose than for the payment of said bonds, and said bonds shall be a lien on the water works plant, and the electric plant, or either, to be erected from the sale of said bonds. Sinking fund

Sec. 8. Be it further enacted, That the bonds issued under the provisions of this act shall be exempt from municipal taxation. Exempt from municipal tax

Approved February 8th, 1899.

No. 344)

AN ACT

(H. 777

To validate the grants, rights, privileges and franchises granted to railroads by the City of Mobile and its predecessors.

Section 1. Be it enacted by the General Assembly of Alabama, That all grants, rights, privileges and franchises which the City of Mobile or any municipal corporation governing, for the time being, the territory covered by said city, has heretofore granted or attempted to grant to any railroad company, not in conflict or inconsistent with grants, Confirmed

privileges and franchises previously granted, and which have been accepted and utilized be, and the same are hereby legalized, ratified and confirmed.
Approved February 8th, 1899.

No. 345) AN ACT (H. 861

To change the name of Ed. L. Ford and Emma L. Ford, husband and wife, to Ed. L. Woodruff and Emma L. Woodruff.

Names
changed Be it enacted by the General Assembly of Alabama, That the names of Ed. L. Ford and his wife, Emma L. Ford, of Calhoun county, Alabama, be, and they are hereby changed to and declared to be Ed. L. Woodruff and Emma L. Woodruff.
Approved February 8th, 1899.

No. 347) AN ACT (H. 668

To provide the ways and means to establish, open, improve, work and keep in good condition the public roads in Perry County, Alabama.

County commissioners Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners in Perry county is invested with the general superintendence of the public roads within said county, and may establish new, and change and discontinue old roads in the manner provided in the laws now in force, and that may be enacted hereafter.

Road funds Sec. 2. Be it further enacted, That the said Court is hereby invested with authority and power to use in each year a part of the taxes collected for the expenses of the county for the current year, not to exceed the sum of five thousand dollars, (1) in purchasing such tools, implements, road machines and other articles as are necessary for working,

improving and keeping in good condition the public roads in said county, (2) and in paying for the services of the overseers of the public roads employed by said county, (3) and in hiring wagons, wagon teams and plow teams for use on the public roads, and any additional labor necessary to carry out the intent of this act. The sum of money to be used for the above purposes shall be set apart and kept separate by the county treasurer, from other funds, and is to be used and expended on each of the road districts of said county, in the ratio of the assessed value of the taxable property of that road district, and shall be used only for the purposes indicated in this act.

Sec. 3. Be it further enacted, That the said Court is hereby invested with authority and power to make such rules and regulations from time to time touching and relating to the public roads in said county as it may deem necessary and proper to carry out the intent of this act, which intent is hereby declared to be provided for opening, improving and keeping in good condition the public roads in said county, but said Court shall not use for road purposes in any one year more than the sum specified in section two (2) of this act. Rules

Sec. 4. Be it further enacted, That the said Court shall divide Perry county into four road districts, that said districts may be changed from time to time in the discretion of said Court; that each of said districts shall be under the superintendence of one of the county commissioners of Perry county, to be designated by the said Court; that it shall be the duty of said commissioner to take the oversight of the public roads in his district; to recommend to the said Court suitable persons to be employed as overseers in the several precincts in his district; to direct the overseers in his district as to the time and the length of time and manner of working their roads; to inspect the public roads in his district at least twice in each year; to ascertain whether or not the overseers have worked them properly; to report in writing to the judge of Circuit Court of Perry county, at the terms of said Districts

Court, the condition of the roads in his district, and the name of any overseer who has failed to perform his duty under this act, and whose roads are not in good condition.

Duty of judge

Sec. 5. Be it further enacted, That it is hereby made the duty of the judge to whom is made the report in writing, required by the next preceding section, to refer the said report in writing to the grand jury, and to charge the grand jury specially as to its duty and respect to this act, and it is hereby made the duty of the grand jury to inquire particularly whether any overseer has failed to perform his duty under this act, and if so, it is hereby made the duty of the grand jury to find an indictment against the overseer for so failing, and, on conviction, such overseer must be fined not less than twenty-five dollars.

Supervisors

Sec. 6. Be it further enacted, That the Commissioners Court is empowered, in their discretion, to appoint a supervisor in each election precinct, whose duty it shall be within the respective precincts, to assist and direct the overseers in the performance of their duties; to overlook and audit the books and accounts of said overseers; to supervise and look after the safe keeping of all tools and implements used; to see that all the road hands are properly apportioned and impartially called out for service; to see that this law is enforced with justice and equity and to make such report to the commissioner of his district as may be required by such commissioner. And for such services he shall be paid not exceeding \$25.00 per annum, and he shall be exempt from any other road service or duty, and the commissioner of each road district shall receive for each days service rendered under this law the sum of three dollars.

Work on

roads

Sec. 7. Be it further enacted, That all male persons in said county who have lived therein ten days (except those living strictly within the corporate lines of the towns of Marion and Uniontown), between the ages of sixteen and fifty years, are liable to work on the public roads in said county, except such as are blind, or have lost a hand or foot,

and except such as are not physically able to work with any tool or implement commonly used on the public roads, which fact of disability must be shown by the written oath of a regularly licensed physician living and practicing in said county, stating that the physician has examined the claimant for exemption, and that, in his opinion said claimant is not physically able to work on the public roads with any other tools commonly used on the public roads; and such oath shall exempt said claimant only during the year in which it is made, but such oath may be made from time to time, if the disability continues. In order to ascertain the age of any person who appears to be of the proper age to work on the roads, but who claims that he is not liable on account of his age, any road overseer has the right to examine such claimant and such other persons as he thinks proper touching the age of such claimant, said examination to be made under oath, to be administered by said overseer, and no one else, and no charge shall be made for administering said oath.

Sec. 8. Be it further enacted, That all persons liable to work on the public roads are liable to work eighty hours in each calendar year; but persons arriving at the road age during the year, and persons coming into said county during the year, shall be liable at the rate of eighty (80) hours per year for the remainder of the year. Time to work

Sec. 9. Be it further enacted, That any person liable to work on the public roads may procure exemption for the current year by paying to the overseer under whom he is liable to work, the sum of five dollars in money. Road tax

Sec. 10. Be it further enacted, That no person is liable to work on any public road, every part of which is over six miles from his residence, or to work more than eighty hours in any calendar year, not counting the hours engaged in opening new roads. Places and time

Sec. 11. Be it further enacted, That the said Court may employ such number of road overseers for each election precinct in said county not ex-

Overseers

ceeding four, as it may think proper, and it may assign to each overseer such roads as it may think proper, to be worked and kept in good condition by him, and it may furnish to each overseer such tools, implements, machines and such other things necessary for use on the public roads as it may think proper, and it shall require each overseer to have the roads assigned to him worked such number of hours in each year, not exceeding eighty hours, and in such manner as it may prescribe; and it may pay the overseers employed such wages as it may think proper, not to exceed \$2.00 per day, during the time actually engaged; and it may discharge any overseer at any time who fails to work the roads assigned to him in the proper manner, or who fails in any particular to discharge his duties; and it may make such rules and regulations from time to time as it may think proper touching the duties of road overseers.

Bond

Sec. 12. Be it further enacted, That each overseer shall give bond, with sureties, to be approved by the said Court, payable to Perry county, in double the value of the tools, implements and road machines, and other property belonging to Perry county, that may come into his possession, and in double the amount of all money of said county that may probably come into his possession for any purpose, conditioned that he will preserve and take good care of all tools, implements, road machines, and other property of said county that may come into his possession, and to return the same to said county in good condition, wear and tear excepted, at the expiration of his service; and to properly account for and pay over all money of said county that comes into his possession, and to work the roads assigned to him in a manner and for the length of time prescribed by the said Court, or by the commissioner in whose district his roads are, and to discharge faithfully all the duties of overseer.

Sec. 13. Be it further enacted, That it shall be the duty of the overseers of the public roads in said county: 1. To give the bond required by Section

12 of this act within ten days after their employment. 2. To make a list of all persons within their election precincts liable to work on the public roads, within fifteen days after making bond, and to correct said list from time to time, as may be necessary during the time they are overseers; and if there are more overseers than one in an election precinct, they shall make a list of all the persons liable to work on the roads in said precinct, and they shall apportion said persons among the said overseers, justly and fairly, having respect to the number of miles of road assigned to each overseer, and the amount of work to be done on said roads; and if the said overseers cannot agree upon the apportionment, the commissioner, or supervisor, of their road district, shall make the apportionment from the said list, and whoever makes the apportionment shall make it, so far as is practicable, so as to apportion the road workers to the roads most convenient to them. 3. To call out the persons liable to work on their roads at such times as the commissioner, or supervisor having the oversight of their precinct, shall direct; and to work their roads in such manner and for such length of time as said commissioner may direct; but no road workers must be worked more than eighty hours in any one year, not counting hours worked in opening new roads; and, so far as is practicable, the road workers must be required to work on the roads that are most convenient to them, but the public good must not be sacrificed for the convenience of individuals; and the overseers must be careful to require all the road workers to work the same number of hours in the year, so far as is practicable, so as to insure fairness and equality among the road workers; and the road workers may be required to work on more roads than one, so as to secure this end, but the road workers must not be called out to work the roads during the months of May, June, September and October, except for the purpose of doing some work of pressing necessity, such as removing an obstruction from the road, or repairing a bridge, or doing some other thing of like Duties

Duties

kind, and the road workers may be called to do this work of necessity without previous notice. In other cases, the overseer, in person, or some one appointed by him, must give twenty-four hours notice to road workers, in person or in writing, to be left at his residence, to meet at such time and place as the overseers may appoint. 4. To set up at the proper places neat and permanent mile posts and index boards, when directed to do so by the commissioner of their district. 5. To build with the road workers bridges and causeways whenever the same are necessary, unless the said Court shall have the same built by contract. 6. To make such repairs on the bridges built by contract as can be made with the road workers under their control, so as to preserve said bridges, and to prevent injury to persons, animals and vehicles crossing said bridges; and to prevent the accumulation of earth upon the floor of said bridges to the extent of injuring them, and if a bridge built by contract is over a stream which is the line between two election precincts, the two overseers whose roads lead to said bridges shall perform the duties specified in this subdivision, each doing the work necessary to the center of the bridge, and to keep in good condition the dirt approaches to all bridges, whether built by contract or otherwise. 7. To obstruct a bridge built by contract, which cannot be repaired with the road workers, and which is dangerous, so that it cannot be used; and to report the condition of said bridge to the said Court as soon as practicable, to the end that it may be repaired by contract. 8. To keep the ford of the stream in order, to be used by the public, if deemed practicable by the commissioner of the district, when a bridge has fallen down or become dangerous. 9. To prosecute all defaulters for not working on the roads, as herein provided. 10. To open new roads when established in their precincts by the said Court. 11. To keep a correct list of all persons liable to work on their roads, and to give to each worker proper credit on said list for the number of hours worked by him, and to give to each worker a statement in

writing, showing the number of hours worked by him, after each time he is called out. 12. To keep an account in writing of all the money received by them for exemptions, for payments of defaults, and for any other thing, showing the amount received, the date of the receipt, the person from whom received, and for what received, and to furnish the said Court a report in writing and under oath, of the said money, at such times as the said Court may require; and to give to persons paying their money a receipt in writing for the same, showing the date the money was received, the amount and for what it was received. 13. To keep a record of all moneys received and paid out by them, and a list of road hands, showing their time and standing, on a book to be furnished by the county. 14. To observe such other rules and regulations touching their duties as may be prescribed by said Court.

Sec. 14. Be it further enacted, That if any person liable to work on the public roads fails to attend, agreeable to the legal notice given him, or fails faithfully to work on the roads, and to obey the proper directions of the overseer, such person is hereby declared to be a defaulter, and for each day's default, he must be fined not less than two dollars, by any justice of the peace or notary public, with the powers of a justice of the peace, in the election precinct in which the default occurs, in the name of the State of Alabama for the use of Perry county, and may also be imprisoned in the county jail, and all laws in respect to fines in other cases shall be applicable to fines under this act; and no property shall be exempt from execution issued for the collection of fines in cases under this act; and when fines are collected, they shall be paid to the overseer of the precinct, who shall account for the same to the Court of County Commissioners.

Sec. 15. Be it further enacted, That the road overseers may excuse defaulters, who show good excuse on oath, which may be administered by the overseer within five days after the default and at the expiration of that time, he must return on oath,

a list of defaulters who are not excused to any justice of the peace or notary public, with the powers of a justice of the peace, in the precinct in which the default occurred, who must try the case on the evidence and before any one shall be excused, the officer trying the case must be satisfied by legal evidence that the defaulter has a legal excuse, and that his default was not wilful, and that he did not intend to evade duty; and the said list is presumptive evidence of the default against the persons named therein.

Unlawful

Sec. 16. Be it further enacted, That it shall be unlawful, except in working said roads as is herein provided, for any person or persons to cut ditches across, in, to, or alongside of any road in said county, or to turn water upon the same, in any place or places where it shall be a detriment or disadvantage in keeping said road or roads in good repair; or to otherwise obstruct the road or the ditches legally cut alongside of the same, either by fencing, by plowing into them or in any other manner whereby the free flow of the water is interrupted, or whereby the public is restricted in the full use of the highway, or travel is in any measure interfered with; and any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than twenty-five dollars. And it shall be the duty of the overseer of the road to clear away any such obstructions and close any such ditch, or water furrow as soon as he learns of the existence of the same, and to cause the person so making the same to be immediately arrested and arraigned for trial before any magistrate in the precinct where the act is committed.

Convicts

Sec. 17. Be it further enacted, That the Court of County Commissioners of Perry county may, if they see fit, contract for and employ any or all of the convicts of said Perry county, to use as laborers in establishing, maintaining, repairing and working the roads of said county, under this act.

Sec. 18. Be it further enacted, That the following sections of the Code of Alabama in relation to

public roads, are not repealed, but are continued in force in Perry county, namely: Sections 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2471, 2477, 2484, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, and all laws contained in the Criminal Code of Alabama relating to the public roads, not in conflict with this act. In force

Sec. 19. Be it further enacted, That the following sections of the Code of Alabama, in relation to public roads, are repealed hereby, so far as concerns Perry county, namely: 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2472, 2473, 2474, 2475, 2476, 2478, 2479, 2480, 2481, 2482, 2483, 2485, 2486. Repeal

Sec. 20. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed, so far as the same relate to Perry county.

Approved February 11th, 1899.

No. 348)

AN ACT

(H. 762

To prohibit the manufacture, sale or giving away of spirituous, vinous or malt liquors within three miles of Pleasant Point Public School House, situated in Union District, Limestone County.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful to manufacture, sell, give away, barter or otherwise dispose of alcoholic, spirituous, vinous or malt liquors or intoxicating beverages of any description, within three miles of Pleasant Point Public School House, situated in Union district, Limestone county. Prohibition

Sec. 2. Be it further enacted, That any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than one hundred dollars: Provided, That this act shall not Penalty

be so construed as to prohibit the manufacture of wines by persons within said territory from fruit grown on their own premises.

Approved February 8th, 1899.

No. 349)

AN ACT

(H.697

To regulate the fees of bonded constables in the Counties of Conecuh, Butler, Pike, Henry and Russell, Alabama.

Fees

Section 1. Be it enacted by the General Assembly of Alabama, That after the passage of this act, that bonded constables in the Counties of Conecuh, Butler, Pike, Henry and Russell, shall receive the same fees as sheriffs when they perform the same or similar services.

Approved February 8th, 1899.

No. 350)

AN ACT

(H. 734

To authorize the Mayor and Councilmen of the Town of Georgiana, Alabama, to issue bonds and negotiate a loan for the purpose of liquidating the indebtedness of the said town.

May borrow

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the town of Georgiana, in the County of Butler, and State of Alabama, be, and they are hereby authorized and empowered to borrow and expend a sum not exceeding two thousand dollars, to be expended and applied for the purpose of liquidating the indebtedness of the said town of Georgiana.

May issue
bonds

Sec. 2. Be it further enacted, That in payment of said sum, and to carry out fully the power and authority granted in section one of this act, the said mayor and council be, and they are hereby fully authorized to issue the bonds of said town in a

sum not exceeding two thousand dollars, to be known as improvement bonds—with coupons attached, signed and numbered, to correspond with said bonds, showing amount of interest and when payable; said bonds to run not longer than twenty years, redeemable at the option of the town after ten years, and bear interest at not more than six per cent., to be issued in such form and manner as the mayor and council shall direct, in sums not less than one hundred dollars; provided, further, that none of said bonds shall be sold by the mayor and council for less than their face value.

Sec. 3. Be it further enacted, That to meet the interest annually, and the principal at maturity, upon any or all of the bonds issued under the authority of this act, that said mayor and council shall, and it is hereby made their duty to set apart, out of the general revenues of said town each year, an amount as a sinking fund, to meet and pay off the principal and interest upon said bonds at maturity.

Sinking fund

Sec. 4. Be it further enacted, That said mayor and council shall have power and authority to do and carry out all the powers granted in this act, either by themselves or their agents duly appointed, and no technicality, informality, neglect or omission in the proceedings of said board, or the records thereof, shall in any way affect the validity of said bonds or coupons issued under this act, or any rights of the purchasers of the same.

Authority of
mayor and
council

Sec. 5. Be it further enacted, That all bonds issued under this act shall be sold for cash, and the money raised by the sale of said bonds shall be deposited with the treasurer of said corporation, who shall be a properly bonded officer of said town, and who will pay out the money only upon the order of said council, and when said order has been approved and signed by the mayor.

Use of pro-
ceeds

Sec. 6. Be it further enacted, That said bonds shall have priority over any bonds that may be hereafter issued by said town, and it shall be the duty of the mayor and council of the town of Georgian to provide for the payment of same, princi-

Priority

pal and interest, before providing for the payment of bonds which may be hereafter issued by said mayor and council of Georgiana.

Approved February 8th, 1899.

No. 351)

AN ACT

(H. 747

To incorporate the Town of Warrior, Jefferson County, Alabama.

Incorporated

Corporate
limits

Section 1. Be it enacted by the General Assembly of Alabama, That the town of Warrior, on the Louisville and Nashville Railroad, in Jefferson county, Alabama, be, and the same is, hereby incorporated, and the corporate limits of said town shall embrace an area of land as follows: Beginning at a point on the L. & N. R. R. 100 feet south of the residence of J. S. Morgan, in Section 24, Tp. 14, Range 3 west, thence running west one-quarter of a mile, and thence in a northerly direction, running parallel with said L. & N. R. R. a distance of one and a quarter miles, so as to run one-quarter of a mile from said railroad on the west side of said railroad; thence in an easterly direction to a point on the said L. & N. R. R. 700 yards north of the depot, thence from said railroad in a northeasterly direction to a point on the Blount Springs road one hundred yards north of where the Coaldale road intersects said Blount Springs road, thence in a southeasterly direction to a point on the Coaldale road 100 yards east of where the Blount Springs road intersects the Coaldale road, thence running in a southerly direction about one mile, to a point on the Warrior river, 300 yards up the river from the county bridge; thence down said river to a point 500 yards below said county bridge, thence in a westerly direction to the L. & N. R. R., to the point of beginning.

Election

Sec. 2. Be it further enacted, That an election shall be held in the town of Warrior on the seventeenth of February, 1899, and every two years

thereafter, on the third Monday in February, for the purpose of electing a mayor and five councilmen, who shall have been resident freeholders of said town for six months preceding the election. Said mayor and councilmen shall serve for the term of two years, and until their successors in office are elected and qualified; said election to be held the 17th day of February, 1899, and all subsequent elections to be held on the third Monday in February biennially by such persons and in such manner as the mayor and councilmen may prescribe; and all persons living in said corporation who are qualified voters for members of the General Assembly of this State shall be entitled to vote in said municipal election.

Sec. 3. Be it further enacted, That from any cause, should said town fail to hold an election on the day specified by this act, that they are hereby authorized to hold an election at any time thereafter: Provided, That a notice of such election shall be published in a newspaper published in said town, if no newspaper is published in said town, by posting in three (3) or more places in said town twenty days prior to the day set for such election.

Sec. 4. Be it further enacted, That the mayor and councilmen, together with town marshal, treasurer, and clerk, each of which office the mayor and councilmen shall elect, shall severally, before they enter upon the discharge of their duties, take the oath as prescribed by the constitution of the State, as the following: "I do solemnly swear that I will perform the duties required of me as (mayor, councilman, treasurer, clerk or marshal, as the case may be) to the best of my ability and judgment, so help me God," a certificate of which oath shall be filed with the records of the board. It shall be the duty of the mayor to preside at all meetings of the councilmen and preserve order and decorum, and in his absence any councilman may be called upon to take the chair, and the mayor and councilmen are hereby declared a body politic and corporate by the name and style of mayor and councilmen of Warrior, by which name they and

Oath

Duties of
mayor

their successors in office shall be capable in law of suing and being sued, of pleading and being impleaded in all manner of suits, either in law or in equity, and shall have power to keep a common seal, and the same to alter and amend at pleasure, in general to do and to perform all acts which are incident to bodies corporate; and to purchase, hold and dispose of for the benefit of said town, real, personal and mixed property to the value of twenty-five thousand dollars (\$25,000).

Powers

Sec. 5. Be it further enacted, That the mayor and councilmen, or a majority of them, are hereby invested with full power to keep open, and in good repair, the streets of said town, and for that purpose may levy a tax not exceeding three dollars, on all persons within the corporate limits who are liable to work on the public roads of the State, and in default of payment of said taxes, may require such persons to work on the streets of said town, as required by the laws of the State; to prevent or remove nuisances; to establish a night and day police, and a town jail, or guard house; to erect lamps; to regulate the paving and flagging of drains and sidewalks; to prevent, by adequate penalty, the injury or destruction of shade or ornamental trees in said town; to license, tax and restrain, at pleasure, theatrical amusements, shows and menageries of all kinds whatsoever within the corporation, and may also assess and collect a tax not more than one thousand dollars on the sale by retail of spirituous liquors on each retail liquor dealer within said corporation; provided, such liquors are ever allowed to be sold within the corporate limits of said town by and under any law of the State; to preserve the peace and good order of said town; to enact and publish any regulations, by-laws and ordinances necessary for the good and orderly government of said town not inconsistent with the constitution and laws of this State, and to enforce the observance of said regulations, by-laws and ordinances by a fine, not exceeding two hundred dollars for each violation thereof, and imprisonment, not exceeding twenty days in the town prison.

Sec. 6. Be it further enacted, That the mayor and councilmen shall have power to levy and collect a tax on the inhabitants of said corporation on all articles and subjects of State taxation, to raise money for properly governing and managing the affairs of the corporation and enforcing its laws and ordinances and powers granted by the provisions of this charter; and they, as soon as convenient after their election, elect, by joint ballot, a clerk, treasurer and marshal for said town, and it shall be the duty of said clerk to issue all execution for fines and taxes which may be necessary, signing the same and delivering the same to the marshal, whose duty it shall be to collect and pay over the same to the treasurer, which last named officer shall give bond and security to the mayor and councilmen before he enters upon the discharge of the duties of his office, and the mayor and councilmen shall have power to remove from office the clerk, treasurer and marshal, and elect others, and may fix the salaries and fees to be received by these officers, and may, if deemed advisable, require bonds of the clerk and marshal for the faithful performance of their duties: Provided, That the tax levied and collected by said corporation on the property of the citizens thereof shall not be more than one-half of one per cent. of the value of said property, as assessed for State taxation during the preceding year.

Taxes

Sec. 7. Be it further enacted, That the citizens of said town shall be exempt from working on the public roads.

Exempt from
road duty

Sec. 8. Be it further enacted, That the mayor and councilmen shall have power to open new streets within the corporate limits of said town, or change, alter or close such streets as are now or may hereafter be opened within the limits of said town: Provided, That where new streets are opened on private property the owners shall receive full compensation for the property so occupied, to be assessed by a jury of five disinterested freeholders elected for that purpose by the mayor of said town.

Streets

Duties of
mayor

Sec. 9. Be it further enacted, That the mayor of said town is a conservator of the peace within the corporate limits of said town, and it is his right and duty to suppress all affrays, riots, unlawful assemblies and insurrection and lawless, indecent, profane, boisterous or disorderly conduct in any public place therein, to do which he may summons to his aid as many male persons, as he thinks proper; he has full power to punish for contempt in the same and under the same rules and regulations prescribed by the Court of Alabama in reference to punishment of contempt by justices of the peace; he has full power to try all offenders against all the by-laws and ordinances of said corporation with regard to the amount of fines, punishment or forfeiture, and to punish the offenders, both by fine and imprisonment, in the manner prescribed by said by-laws and ordinances; and the marshal of said corporation has full authority to execute all lawful ordinances, resolutions, by-laws and orders of said corporate authorities within his jurisdiction, and must, without warrant, arrest all offenders breaking the peace or violating any ordinance of said town in his presence and bring them before the intendant, and for any other breach of the peace or violation of the ordinances, he shall arrest the offenders upon due legal process, and in order to the execution of his powers and duties, he may summons to his aid as many male persons as may be necessary.

Licenses

Sec. 10. Be it further enacted, That the mayor and councilmen of said town shall have full power and authority to levy and collect a license tax upon any business, trade or profession carried on in said town: Provided, That the maximum of said tax shall not exceed the following; and provided further, that when, in the judgment of the mayor and councilmen, a less amount than the maximum, will be necessary to carry on the government of the town, that the same proportions of all taxes enumerated in this act shall be levied and collected, as follows: Architects and contractors on buildings, ten dollars; auctioneers, each, twenty

dollars; billiard or pool tables, each, twenty dollars; bowling alleys, each, twenty dollars; buggies, wagons, carts or carriages, not manufactured in said town, dealers in, ten dollars; brickyards or dealers in brick, each, five dollars; cane, knife board, striking machine or device of like kind, each, fifteen dollars; cabinet-makers or proprietors of wood or blacksmith shops, employing labor, each, five dollars; carts, drays or wagons—one horse—five dollars; two-horse or oxen, ten dollars; circuses, each performance, twenty dollars; confectioners and fancy grocers, each, five dollars; contractors, each, employing one or more workmen, five dollars; cotton buyers, not including merchants who pay merchandise tax, each, ten dollars; concert, musical entertainments, not otherwise provided for, or when charges are made for admission, or for the participation in any exercise or entertainment, not for charitable, religious or school purposes, each, three dollars; druggists and apothecaries, each, twenty dollars; drovers or dealers in horses or mules, other than liverymen who pay license tax, each, ten dollars; exhibitions of legerdemain or sleight of hand performances, or other exhibitions of like kind, each performance, five dollars; engines, stationary, used for propelling any mill, gin, saw mill or other machinery, each, ten dollars; express companies, carrying express past Warrior to any other place, or bringing express from any place to Warrior, each, ten dollars; dealers in commercial fertilizers, other than merchants who pay license tax, each, ten dollars; gun repair shops, each, five dollars; hotels, keeping transient guests, each, twenty dollars; insurance agents—life or fire—each, five dollars; itinerant traders, by sample, except commercial traveling salesmen, each, five dollars; job printing offices, each, five dollars; lunch stands or restaurants, each, five dollars; lawyers, physicians and dentists, each, five dollars; lightning rod agents, each, ten dollars; livery or sale stables, each, twenty dollars; liquor, retailers in spirituous, vinous or malt liquors, each, five hundred dollars; liquor,

Licenses

Licenses

wholesale dealers, each, one hundred dollars; machinery, or agricultural implements, when principal stock in trade, each, ten dollars; merchant tailors or their agents, each, ten dollars; millinery establishments, each, five dollars; peddlers on foot, each, five dollars; peddlers, one horse, each, ten dollars; peddlers, two-horse, each twenty dollars; pistols or pistol cartridges, whether principal stock in trade or not, each, ten dollars; playing cards, dealers in, each, five dollars; public weighers, each, five dollars; photograph and art galleries, whether in tents or houses, each, five dollars; markets, each, twenty-five dollars; private boarding houses, except where students at school are taken exclusively, each, ten dollars; railroad commissary, or grub car, whether run by a railroad or individual, twenty dollars; real estate agents or brokers, renting or selling real estate, each, ten dollars; reporters, on standing and credit of business men, each, ten dollars; sewing machine agents, not including merchants who pay license tax, each, ten dollars; telegraph companies sending messages from or receiving messages at Warrior, ten dollars; traveling physicians or vendors of patent medicines and spectacles, each, five dollars; undertakers, each, five dollars; watchmakers and jewelers, each, five dollars; keeping stud horses and jacks, each, five dollars; each stove, range or clock company, or their agents, each, ten dollars, except merchants and jewelers who pay license tax; each person or firm engaged in merchandising twenty dollars; each, shoemaker, harness or saddler, five dollars.

Fines

Sec. 11. Be it further enacted, That the mayor and councilmen may, by ordinance, impose such fines and penalties within the limitations of this act, as they may deem advisable for the doing of any business, or carrying on any trade or practicing any profession by any party who shall fail to take out license provided for in this act: Provided, That no tax shall be levied on any person selling country produce, fowls, live stock or meats grown or raised by such persons.

Sec. 12. Be it further enacted, That the mayor and councilmen shall, at their first regular meet-

ing in each year, make an estimate for the expenses for the current year, and fix the rate of taxation, the price of license and the rate of street tax, and shall cause the same to be published in the same manner that the ordinances of said town are published; and that the mayor and councilmen shall, on the first of October of each year, cause the clerk to make out a statement of their receipts and disbursements of all moneys that have been received and expended for the preceding fiscal year, and have the same published in the same manner that the ordinances of said town are published.

Rate of
tax

Statements

Sec. 13. Be it further enacted, That the board of mayor and councilmen of the town of Warrior be, and they are, hereby authorized to issue and sell twenty-year bonds, bearing four per cent. interest per annum, for the purpose of building and maintaining a system of water works for said town.

Bonds

Sec. 14. Be it further enacted, That said board of mayor and councilmen shall have power to regulate or prevent the running at large in said town of hogs, horses, goats and dogs, and to prescribe a penalty therefor, not to exceed a fine of fifty dollars for each offense.

Stock

Sec. 15. Be it further enacted, That one-third of all revenues received from licenses in said town shall be appropriated for the public schools of said town.

Public schools

Approved February 8th, 1899.

No. 352)

AN ACT

(H. 112

To confer additional jurisdiction upon the County Court of Lowndes County, and to regulate the proceedings therein.

Section 1. Be it enacted by the General Assembly of Alabama, That the County Court of Lowndes county shall have jurisdiction of all misdemeanors committed in said county.

Jurisdiction

Sec. 2. Be it further enacted, That at the next August term, 1899, of the Circuit Court of said

Duty of circuit judge

county, it shall be the duty of the presiding judge thereof, upon the day of adjournment of said Court, to make an order upon the minutes of said Court directing and requiring the clerk of said Circuit Court to deliver to the judge of said County Court all indictments then pending and untried in said Circuit Court against persons charged with the commission of misdemeanors, together with all papers, and a certified copy of all docket entries and minutes of proceedings had therein, in said Circuit Court; and upon the transfer and delivery of the same the jurisdiction of said Circuit Court shall cease and exclusive jurisdiction thereof shall rest in said County Court.

Prosecutions

Sec. 3. Be it further enacted, That prosecutions may be instituted or commenced in said Court as is now provided by law in County Courts, to be thereafter subject to the provisions of this act.

Indictments

Sec. 4. Be it further enacted, That all indictments for misdemeanor that may hereafter be preferred by the grand juries of said county must be returned by the clerk of said Circuit Court to the judge of the said County Court, and filed in said County Court; and all proceedings had in such causes as is now had in the Circuit Court, except as may be hereinafter provided.

Practice and rules

Sec. 5. Be it further enacted, That said County Court shall conform to the practice and rules of procedure of the Circuit Courts of this State.

Monthly terms

Sec. 6. Be it further enacted, That said County Court shall be held, and the office of the clerk thereof shall be kept, at the courthouse of said County of Lowndes; said Court shall hold regular terms on the fourth Monday of each month, and may continue in session until the business of said Court is disposed of; the regular terms in May and November in each year shall be the terms for the trial of causes in which juries have been demanded.

Clerk

Sec. 7. Be it further enacted, That the clerk of the Circuit Court shall be ex-officio clerk of the said County Court.

Sec. 8. Be it further enacted, That every person charged, either by complaint or indictment, with

the commission of a misdemeanor, shall be entitled to a trial by jury: Provided such person makes a demand therefor before the 3d day of the next regular term of said County Court after he is arrested or taken into custody; and provided, further, that any person so arrested or taken into custody within three days of the next regular term of said County Court shall have until the cause is called for trial to demand a jury trial. "And provided, further, that whenever a jury trial is demanded in a case in said Court which is brought there on complaint and warrant, such case shall go before the next grand jury for investigation."

Jury trials

Sec. 9. Be it further enacted, That whenever a jury trial is demanded as provided in section 8, the judge of said County must make an order continuing the cause to the next jury term of said Court, and make an order requiring the defendant, or defendants, to give bail for the appearance at such jury term, and from term to term thereafter until discharged by law, and may bind over witnesses to appear at such term to which said cause is continued, and from term to term thereafter until such cause is disposed of.

When jury trial is demanded

Sec. 10. Be it further enacted, That the petit jurors for each jury term of said County Court shall be drawn and impaneled in the same manner as is now or may be hereafter provided by law for petit jurors in the Circuit Court of Lowndes county, and venires for such jurors shall be issued and executed in the same manner as for said Circuit Court, and said County Court shall have the same powers to issue special venires and to call in tales jurors as the Circuit Court now has, or may hereafter have, except so far as is altered by this act; and provided, that the jurors impaneled at each jury term shall serve for the whole term unless excused by the Court.

Petit jurors

Sec. 11. Be it further enacted, That all laws of a general nature now in force, or that may be hereafter enacted, so far as the same apply to misdemeanors, unless the contrary be expressly provided, or as may be limited by this act, shall be held to apply and extend to said County Court.

Laws applying to

- Adjourn-
ments Sec. 12. Be it further enacted, That there may be such temporary adjournments of said Court as may be deemed expedient and proper by the judge thereof.
- Duty of sheriff Sec. 13. Be it further enacted, That if the judge of said County Court fails to open said Court on the first day of any regular term that the sheriff must adjourn the Court from day to day for not more than three days, after which time, if the judge still fails to attend, the Court will stand adjourned until the next regular term.
- Special jury
terms Sec. 14. Be it further enacted, That the judge may call a special jury term whenever he deems it necessary; twenty days notice of such term must be given by publication in some newspaper published in said county.
- Appeals Sec. 15. Be it further enacted, That all appeals from said County Court shall be to the Supreme Court of the State of Alabama, and that the law now in force, or that may be hereafter enforced, governing or applying to misdemeanors from the Circuit Courts of the State shall apply to appeals from said County Court.
- Solicitor Sec. 16. Be it further enacted, That the solicitor of the circuit in which said County of Lowndes now is, or may hereafter be, shall be the prosecuting officer before said County Court, and all laws applying to his duties, as such officer in the Circuit Court shall apply to such County Court, and that his fees in said County Court shall be the same as in the Circuit Court: Provided, That in the absence of the circuit solicitor the Court may appoint a solicitor pro tempore, who shall be governed by the same laws applicable to the circuit solicitor, and receive the same fees and commissions.
- Fees Sec. 17. Be it further enacted, That the fees of the clerk of said County Court shall be the same as is now or may hereafter be allowed to clerks of the Circuit Courts; that the fees of the sheriff shall be the same as is now or may hereafter be allowed in the Circuit Court; that the jurors and witnesses fees shall be the same as is now or may

hereafter be allowed in Circuit Courts of the State; that the judge of said Court shall receive the same compensation as is now provided for the judge of the County Court, together with such further compensation as the board of revenue may allow. That the fees of said prosecuting officer in said Court shall be as follows: For each conviction obtained by him in said County Court, the same fee as is now allowed or may hereafter be allowed by law to the circuit solicitors for like convictions, which fees shall be paid in like manner as fees of deputy solicitors are now paid: Provided, that the fees so received by said prosecuting officer shall not exceed the sum of \$1,000.00 per annum.

Sec. 18. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed. Repeal

Approved February 8th, 1899.

No. 353)

AN ACT

(H. 1137

To amend an act entitled. An act to provide for the more efficient working of the public roads in Wilcox county, and for the appointment of road supervisors in the several precincts therein, approved December 9th, 1898.

Section 1. Be it enacted by the General Assembly of Alabama, That section ten of an act entitled, An act to provide for the more efficient working of the public roads in Wilcox county, and for the appointment of road supervisors in the several precincts therein, approved December 9th, 1898, be, and the same is hereby amended so as to read as follows: That said supervisor shall as compensation for his services as such be entitled to five dollars for every quarterly inspection of all the roads in his election precinct or beat, to be paid out of the general fund of the county upon a warrant drawn by the probate judge and approved by the board of revenue or Court of County Commission- Section 10
amended

ers, and whenever he has served in the capacity of overseer on any road or roads in his precinct, he shall be entitled to two dollars per day, to be allowed and paid in the same manner as is his compensation herein provided for his services as supervisor.

Section 13
amended

Sec. 2. Be it further enacted, That section thirteen of said act be amended so as to read as follows: That if any road in any precinct is out of repair and the overseer of said road refuses or neglects to repair the same for a space of ten days after having been notified by the road supervisor to do so, it shall be the duty of said supervisor to warn out the hands or persons liable for road duty on said road, and the hands from such other roads as he may deem necessary for putting the said road which is out of repair, in good condition, and his compensation for such services shall be two dollars per day while so engaged, which shall be paid on a warrant drawn on the county treasurer in the same manner in which he receives his pay as supervisor: Provided, he shall not work the same hands more than three days at one time, with a squad of not less than ten nor more than thirty hands.

Section 18
amended

Sec. 3. Be it further enacted, That section eighteen of said act be amended so as to read as follows: That the said board of revenue or Court of County Commissioners is hereby invested with authority and power to use in each year a part of the taxes collected for the expenses of the county, for the current year, not to exceed the sum of three thousand dollars, (1) in purchasing such tools, implements and road machines, and other articles, as are necessary for working, improving and keeping in good condition the public roads in said county, (2) and in paying for the services of supervisors of the public roads employed or appointed by said Court, (3) and in hiring wagons, wagon-teams and plow-teams for the use of the public roads.

Duty of county commissioners

Sec. 4. Be it further enacted, That it shall be the duty of the Court of County Commissioners or board of revenue whenever request is made for

them, by the road supervisors of any beat or precinct, to purchase and furnish all such tools and implements as may be necessary for the efficient working of the roads in said beat or precinct, and that such tools shall be placed in the hands of said supervisor, and shall be receipted by him for the use of the overseers of such beat.

Sec. 5. Be it further enacted, That after an overseer has warned out the hands on his road, he shall apply to the supervisor for such tools as are necessary for the efficient working of said road. And immediately after such work is over, it shall be his duty to return said tools to the supervisor. Tools

Sec. 6. Be it further enacted, That the road supervisors shall have authority, in their respective beats, to expend money received for exemption from road duty of persons liable to same, in further improving the roads over which they have supervision. Road funds

Approved February 8th, 1899.

No. 354)

AN ACT

(S. 290

To amend sections six (6) and twenty-five (25) of an act approved February 18th, 1895, entitled, "An act to amend an act entitled an act to establish a City Court for the County of Talladega," approved February 23d, 1893.

Section 1. Be it enacted by the General Assembly of Alabama, That section six (6) of an act approved February 18th, 1895, entitled, "An act to amend an act entitled an act to establish a City Court for the County of Talledega," approved February 23d, 1893, be, and the same is hereby amended so as to read as follows: Section 6. Be it further enacted, That grand juries for said City Court shall be drawn to assemble on the first Mondays in March and September of each year, and petit juries shall be drawn for the weeks commencing on the third and fourth Mondays in March and September of Section 6
amended

Juries

each year, and for such additional weeks as may be directed by the judge of said Court by an order in writing, entered upon the minutes of the Court, a copy of which order shall be delivered by the clerk to the jury commission at the time for the annual drawing of juries for said county. The selection, drawing, summoning and organizing of all juries, whether grand, petit, or special, for said Court, shall be done in accordance with and in all respects conform to the provisions of chapter one hundred and sixty-six (166) of the Code of 1896: Provided, that the grand and petit juries already drawn to serve at the November call, 1899, of said Court, shall be summoned to serve at the September call, 1899, as established by this act.

Section 25
amended

Solicitor

Sec. 2. Be it further enacted, That section twenty-five (25) of said act, approved February 18th, 1895, entitled, "An act to amend an act entitled an act to establish a City Court for the County of Talledega," approved February 23d, 1893, be, and the same is hereby amended so as to read as follows: Section 25. Be it further enacted, That there shall be a solicitor for said Court who shall perform such duties in said Court as are now or shall hereafter be required of Circuit Court solicitors in Circuit Courts of this State. He shall take a like oath of office and file the same in the office of the secretary of state. He shall at the time of his election or appointment be a resident citizen of Talledega county, over the age of twenty-five years, and learned in the law. He shall receive as compensation for his services the same fees as are taxed by law for the solicitors in criminal cases in the Circuit Courts of this State, to be taxed and collected in said City Court in the same manner as such fees are taxed and collected in the said Circuit Courts of this State, and said fees shall be paid to him instead of the State; and the said solicitor of said Court shall have a claim against the fine and forfeiture fund of said county for his fees in cases where convictions are secured, and the fees cannot be collected. The said solicitor shall be elected by the legislature of 1898-99, and each suc-

ceeding six years thereafter as other solicitors are elected: Provided, nothing herein contained shall be construed as affecting the duration of the present term of office of the solicitor of said City Court.

Approved February 8th, 1899.

No. 355)

AN ACT

(S. 289

To amend the stock law of Clay County, so far as the same refers to Precinct No. 1.

Section 1. Be it enacted by the General Assembly of Alabama, That the stock law of Clay county be so amended as to provide that no stock shall run at large in Delta Beat, Precinct No. 1, in Clay county. Stock law

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed. Repeal

Approved February 8th, 1899.

No. 356)

AN ACT

(S. 330

To provide for opening new roads in Barbour county, improving those now open and for keeping the same in good condition.

Section 1. Be it enacted by the General Assembly of Alabama, That the board of revenue of Barbour county is hereby given the general superintendence of the roads of the county, and it may, in its wisdom, establish new roads and divert and discontinue old roads, in the manner provided by the laws now in force and that may be enacted hereafter. Powers of board of revenue

Sec. 2. Be it further enacted, That the said board is hereby vested with the authority and power to use in each year a part of the taxes collected for the expenses of the County in the current year, not Road funds

to exceed seven thousand (\$7,000.00) dollars: (1) for purchasing road tools, implements, road machinery, wagons, teams, etc., as are necessary to carry on the work; (2) the payment of salary and expenses of one superintendent of roads and as many assistants as the board may deem wise; and (3) in hiring such help in laborers as will be needed for the proper prosecution of the work.

Rules

Sec. 3. Be it further enacted, That the said Court is hereby invested with the authority and power to make such rules and regulations from time to time, touching and relating to the public roads in said county, as it may deem necessary and proper to carry out the intent of this act, which intent is hereby declared to be to provide for opening, improving and keeping in good condition the public roads in said county, but said board shall not use for road purposes in any one year more than the sum specified in section two of this act.

Duty of
superinten-
dentDuty of judge
of circuit
court

Sec. 4. Be it further enacted, That it shall be the duty of the superintendent of roads to report the condition of the public roads to the judge of the Circuit Court at the spring term and again at the fall term, in writing, and at the same time name those overseers who have failed of their duty under this and the general road laws of this State, and it shall be the duty of the judge at the spring term at Clayton, and at Eufaula, and likewise at the fall term of the Court at each place, following such report—which must be on hand when Court opens—to charge the grand jury with the names of such negligent overseers to the end that indictments may be found against them under this and the general road laws of the State; and the board of revenue is charged with the duty of seeing that the superintendent shall not neglect this duty of reporting in the first hours of the first Court held in the county in the spring term and again in the fall term.

Duty of
superinten-
dent

Sec. 5. Be it further enacted, That it shall be the duty of the superintendent of roads to direct the precinct overseers, and times at which his hands shall be called out he is to take charge of them him-

self or direct one of his assistants to do so, or that not being practicable, to see to it that the roads are properly worked under the precinct overseer, reporting any negligence or inefficiency to the judge as aforesaid.

Sec. 6. Be it further enacted, That the overseer getting word from the superintendent, shall warn the hands, filing with the said superintendent a list of all who are liable to road duty, and at the direction of said superintendent shall begin to work on the roads in his precinct, but always when the superintendent is on hand, or his assistant, he shall be subject to said superintendent or his assistant.

Duty of
overseer

Sec. 7. Be it further enacted, That all male persons in said county who have lived therein ten days (except those living strictly within the incorporate limits of incorporated towns) between the ages of eighteen and fifty-five years are liable to work on the public roads in said county, except such as are blind, or have lost a hand or foot and except such as are not physically able to work with any tool or implement commonly used on the public roads, which fact of disability must be shown by the written oath of a regular licensed physician living and practicing in said county, stating that such physician has examined the claimant for exemption, and that in his opinion said claimant is not physically able to work on the public roads with any of the tools commonly used on the public roads; and such oath shall exempt said claimant only during the year in which it is made, but such oath may be made from time to time if the disability continues. In order to ascertain the age of any person who appears to be of the proper age to work on the road, but who claims that he is not liable on account of his age, any road overseer has the right to examine such claimant and such other persons as he thinks proper touching the age of such claimant, said examination to be under oath, to be administered by no one else, and no charge shall be made for administering said oath: Provided, that any person liable to road duty under this section can furnish a substitute acceptable to the overseer, and

Liable to
work on
roads

as long as such substitute is acceptable to such overseer.

Time to work Sec. 8. Be it further enacted, That all persons liable to work on the public roads are liable to work eighty hours in each calendar year; but persons arriving at the road age during the year, and persons coming into said county during the year shall be liable at the rate of eighty hours per year for the remainder of the year.

Road tax Sec. 9. Be it further enacted, That any person liable to work the public roads may procure exemption for the year by exhibiting a receipt from the county tax collector showing that he paid three dollars county road tax on the collector's regular round, and the collector is hereby authorized to receipt said liable parties for said sum, which money must go into a special fund in the treasurer's hands to the credit of the public roads. The precinct overseer is not authorized to collect such money, but he is charged with recognizing a proper receipt from the tax collector, but he, the overseer, is chargeable with the genuineness of such receipts: Provided, that the payment of the three dollars by road overseers or apportioners will not excuse such overseer and apportioner from road duty.

Where to work Sec. 10. Be it further enacted, That no person is liable to work on any public road every part of which is over six miles from his residence; or to work more than eighty hours in any calendar year not counting the hours engaged in opening new roads.

Superintendents salary Sec. 11. Be it further enacted, That the salary to be paid the superintendent of roads shall be such as the board in its wisdom may think just and proper and reasonable compensation, and the board may pay such assistants such sums as their services entitle them to and for such time as the board may feel justified in employing them.

Bond Sec. 12. Be it further enacted, That the superintendent and such assistant superintendent shall give bond with sureties to be approved by said board, payable to Barbour county, in a sum equal

to the value of the tools, road machinery, implements and other property belonging to said county, conditioned upon his returning all tools, machinery, implements and other property in good condition, wear and tear excepted, at the expiration of his service, and of making a full and satisfactory showing for such money as might have come into his possession.

Sec. 13. Be it further enacted, That if any person liable to work on the public roads fails to attend in obedience to the legal notice given him, or fails faithfully to work on the road, and to obey the proper directions of the overseer, such person is hereby declared to be a defaulter, and for each days default, he must be fined not less than two dollars, to be imposed by any justice of the peace or notary public, with the powers of a justice of the peace, in the election precinct, in which the default occurs, in the name of the State of Alabama, for the use of Barbour county; and all laws in respect to fine in other cases shall be applicable to fines under this act; and no property shall be exempt from execution issued for the collection of fines in cases under this act; and when fines are collected, they shall be paid to the treasurer of the county, who shall account for the same to the board of county revenues.

Defaulters

Sec. 14. Be it further enacted, That the superintendent or overseers shall dismiss from service on the road any hand, whether working for himself or as a substitute, who shall fail to do good and sufficient work, or who shall hinder other hands, or who shall be intoxicated, or who may refuse to obey any reasonable direction or order of the overseer, or who shall spend his time in idleness or inattention to the work assigned him; and shall proceed against such hand as though he had failed or refused to obey the notice to work said road.

Dismissals

Sec. 15. Be it further enacted, That the said superintendent and assistant superintendents may be used in connection with the county bridges, as in the wisdom of the board may be necessary.

Bridges

Repeal

Sec. 16. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved February 9th, 1899.

No. 357)

AN ACT

(S. 326)

To provide for the permanent location of the County Site of Shelby County, Alabama, by a vote of the qualified electors of said county.

Commission-
ers for elec-
tion

Section 1. Be it enacted by the General Assembly of Alabama, That whenever fifty or more electors of said Shelby county shall present to the mayor of Calera, the mayor of Columbiana and the treasurer of Shelby county, State of Alabama, who are hereby created and appointed a board of commissioners for the purpose of this act, or their successors in office, a petition in writing, praying for an election to ascertain the wishes of the people of said county as to whether the county site of said county shall remain at Columbiana, the present county site of said county, or be removed to the City of Calera, in said county, it shall be the duty of said board of commissioners to order an election and fix the time of holding the same, which shall not be more than ninety (90) days nor less than 30 days, from the time of filing of such petition.

Requisites for
election

Sec. 2. Be it further enacted, That no election shall be ordered under the provisions of this act, until there shall be secured, free of charge to Shelby county, a bona fide subscription of the aggregate sum of five thousand dollars, to be applied to the securing of a proper site and for the erection of a new courthouse in the City of Calera, such subscription to be payable in money, but the Court of County Commissioners of said county may accept, in lieu thereof, if they deem it advisable, a conveyance or conveyances of real estate at its market value, for any part of such subscription, if the result of said election

is in favor of the removal of said county site to the City of Calera. The Court of County Commissioners of said county shall, as soon thereafter as practicable, not later than 30 days, meet and determine whether they will accept such subscription in cash or any part thereof in land, and within thirty days after the decision by said Court of County Commissioners, said cash subscription shall be paid in money to the county treasurer, or a deed to the property accepted by the Commissioners Court as aforesaid, conveying the land so donated and accepted to Shelby county, and shall be filed in the probate office for record.

Sec. 3. Be it further enacted, That said board of commissioners hereinabove named shall be, and they are hereby, authorized to receive subscriptions to the fund to be donated to said county, to be payable in the event the result of said election shall be in favor of the removal of said county site to the City of Calera. Subscriptions

Sec. 4. Be it further enacted, That if such election should result in favor of the removal of the county site to Calera, no order removing said county site to Calera, as herein provided, shall be made by said board of commissioners until the just and full sum of five thousand dollars has been paid into the treasury of Shelby county, either in money or in land at its market value, as provided by this act. When removal may be made

Sec. 5. Be it further enacted, That such board of commissioners shall give notice of said election at least sixty days prior to the holding of said election, and the purpose for which the same is to be held by publication in some newspaper published in the county. Notice of election

Sec. 6. Be it further enacted, That registration books shall be opened in each voting precinct and ward in said county on the day fixed by the said board of commissioners by the several registrars appointed by said board of commissioners for the registration of the vote of said county, said registrars shall be appointed by said board of commissioners the day upon which the said commissioners Registration

Registration

order said election, and the books of the registration shall be kept continuously open for thirty working days. No person shall be entitled to vote in said election unless he registers before said registrar in the precinct or ward in which he resides within said time. The registrar shall require each and every elector who desires to register for the purpose of qualifying himself to vote in said election, to take and subscribe to the following oath, which shall, in each case, be administered by the registrar to the elector so registering: "State of Alabama, Shelby County, I, the undersigned elector, do solemnly swear that I am a citizen of the United States and of the State of Alabama, and over the age of 21 years, and that I have resided in said State one year next preceding the date fixed for holding the courthouse election for said county, and in said county three months, and in precinct (specifying the particular precinct in which the elector desires to register) thirty days, and that I am a duly and legally qualified elector, and am not in any way disqualified by law from voting in the approaching election to determine the location of the county site of said county, and that I am not disqualified by reason of any crime under which I would be disqualified under the general laws of this State." The several ward registrars shall, immediately upon the closing of the books of registration in their respective precincts and wards, make a true copy and list of names registered in such precincts or wards, and certify the same, and shall, immediately after the expiration of the time herein prescribed for registration, deliver the original registration list, together with such certified copy thereof, to the board of commissioners for said election, who shall file and securely keep the same. And such board of commissioners shall deliver to the inspectors of the election appointed as hereinafter provided for the several precincts or wards immediately preceding such election, the certified copy of said registration for said precinct on ward returned by the registrar.

Sec. 7. Be it further enacted, That only such persons shall be qualified or authorized to vote at

said election as have duly registered, and have qualified themselves to vote by complying with the provisions of this act. Qualified voters

Sec. 8. Be it further enacted, That it shall be the duty of said board of commissioners, at least 20 days before time for holding the said election, as prescribed in section one of this act, to meet at the courthouse in Columbiana and select and appoint three inspectors, two clerks, one returning officer, to hold and conduct said election for the several wards and precincts of the county respectively. Duty of commissioners

One of said inspectors and one of said clerks shall be appointed in each precinct and ward of said county, from a list of five names recommended for the purpose by the mayor of Columbiana. One of said inspectors and one of said clerks for each precinct and ward as aforesaid shall be appointed from a list of five names recommended by the mayor of the City of Calera, and a third inspector and the returning officer for each precinct and ward of said county shall be selected by the board of commissioners. In case said mayor shall fail to furnish a list aforesaid, then it shall be the duty of the board of commissioners to appoint one manager and one clerk at each voting place or ward in said county as recommended by the mayor of Columbiana, and one manager and one clerk at each voting place or ward as recommended by the mayor of the City of Calera, and said board of commissioners shall appoint a third inspector and returning officer for each voting precinct or ward in said county. Said board of commissioners shall notify or cause to be notified such persons so appointed as aforesaid of their appointments; the true meaning of this act being to provide for a full and fair representation of both sides in the conduct of said election. Election officers

Sec. 9. Be it further enacted, That in the conduct of said election the clerks of said shall make and keep a true and correct list of the persons who vote in their respective precinct or wards, numbered consecutively in the order in which they voted, and the inspectors of said election shall not Duties of election officers

allow any person to vote in said election whose name does not appear upon the registration list furnished him for said precinct by said board of commissioners. In said election each person who has duly qualified and registered under the provisions of this act shall be entitled to one vote. Said inspectors shall correctly number each ballot with the number to correspond with the number opposite the electors name on the poll list.

Ballots

Sec. 10. Be it further enacted, That the elector who desires that the county site be removed to Calera shall have written or printed on his ballot, the words "For Calera," and the elector who desires that the county site shall remain at Columiana shall have written or printed on his ballot, the words "For Columbiana."

Election

Sec. 11. Be it further enacted, That the polls for said election shall be opened at the usual voting places in said several precincts or wards in said county by the inspectors appointed as herein provided, not earlier than 8 o'clock a. m. nor later than 9 a. m., and shall be kept open continuously until 5 p. m. In case any election manager, clerk or returning officer appointed as hereinbefore provided, shall fail to appear and discharge his duties as such in the conduct and handling of said election, it shall be the duty of the remaining inspectors, clerks or returning officer to fill the vacancy thereby caused by the appointment of another inspector, clerk or returning officer, as the case may be, and in filling such vacancy it shall be their duty to appoint an inspector, clerk or returning officer entertaining the same views as to the retention or removal of said courthouse as the absent inspector, clerk or returning officer if practicable.

Duties of
inspectors

Sec. 12. Be it further enacted, That immediately after the closing of the polls on the day of the election herein provided for, it shall be the duty of the inspector of the election at the several precincts and wards in said county to count the ballots and certify the number of votes cast for "Columbiana" and the number of votes cast for "Calera," and they shall also securely seal up and label the bal-

lots cast at said election, so as to show the precinct or ward in which they were cast and shall deliver the same, together with the certificate of the result of said election, and the registration list for said precinct, together with the poll list of election in said precinct securely sealed, to the returning officer of said precinct or ward; and it shall be the duty of said returning officer, within forty-eight hours after receiving such returns, ballots, registration lists and poll lists, to deliver the same to the board of commissioners, to meet at the courthouse in Columbiana on the first Saturday after the holding of said election, and canvass the vote cast at said election, and ascertain and declare the result thereof. Said board of commissioners shall have the power, and it shall be their duty, in making said canvass and ascertaining the result of said election, if they shall deem it necessary and proper to examine and recount the ballots for any precinct or ward in said county. And they shall also, if they deem it necessary and proper, examine and compare the original registration lists made for said election with the registration lists or poll lists sent up with the several returns. They shall also have power and authority to reject in such count any ballots shown to be illegal.

Duties of
inspectors

Powers of
commis-
sioners

Sec. 13. Be it further enacted, That said board of commissioners, upon the conclusion of said count, shall certify, in writing, the result of said election, a copy of which shall be filed and recorded in the office of the judge of probate of said county. And they shall also publish the same in some newspaper published in said county, giving the number of votes cast for Columbiana and the number of votes cast for Calera.

Duties of com-
missioners

Sec. 14. Be it further enacted, That if, upon a canvass of the returns of said election, it shall be found that a majority of the legal votes cast in said election were in favor of the removal of the county site of said county to the City of Calera, then said City of Calera shall thereafter be the county site of said Shelby county, and it shall be the duty of the Court of the County Com-

Duties of
county com-
missioners

missioners, as soon after the result of said election is ascertained as is practicable, to select a suitable location within the City of Calera, and to erect thereon a suitable courthouse for said county. And they are hereby authorized and empowered to purchase or receive by subscription or donation a fee simple title to any lot or lots of land so as to vest the title in the County of Shelby, and proceed to erect on said lot or lots so selected a suitable courthouse for the use of said county, and to provide suitable places for the holding of courts within necessary places for the county officers. If said election shall be decided in favor of Calera, it shall be the duty of the Court of County Commissioners, as soon as practicable thereafter, to provide a suitable building for the use of the officers of said county, and such officers shall remove, as soon as practicable, to such places as is provided.

Sale of county
property

Sec. 15. Be it further enacted, That in the event of Calera receiving the majority of all legal votes cast in said election, the Court of County Commissioners shall, as soon as practicable thereafter, sell all the land and other property, except the county poor-house, belonging to the county located in or near the corporate limits of the town of Columbiana, and turn the proceeds thereof into the county treasury, or use the same, or any part of it, in the erection of a suitable courthouse for said county, in the City of Calera: Provided, That nothing in this act shall prevent the Court of County Commissioners from the using of any material in said building in erecting a new courthouse.

Quorum of
board

Sec. 16. Be it further enacted, That any duty herein required to be performed by said board of commissioners, to-wit: the mayor of the City of Calera, the mayor of the City of Columbiana, the county treasurer of Shelby county, Alabama, may be performed by a majority of said board, in case of a disagreement among the members of said board, or a failure or refusal of any member of said board to act.

Sec. 17. Be it further enacted, That if any person desiring to vote in said election shall falsely take and subscribe the registration oath, as provided in this act, he shall be guilty of perjury and liable to indictment therefor.

Perjury

Sec. 18. Be it further enacted, That for the registration of electors for said election as herein provided, said registrars shall receive the sum of three cents for every elector lawfully registered by him, to be paid by the county treasurer upon the written order of said board of commissioners.

Sec. 19. Be it further enacted, That each inspector, clerk or returning officer shall receive the sum of one dollar and a half per day for services rendered under this act, the same to be paid by the treasurer upon order of said board of commissioners.

Pay of election officers

Sec. 20. Be it further enacted, That before entering upon the discharge of the duties imposed upon them by this act, said board of commissioners shall each take and subscribe an oath to fairly and faithfully and impartially perform the duties required of them by this act.

Oath of commissioners

Sec. 21. Be it further enacted, That before entering upon the duties imposed upon them by this act, each registrar, inspector, clerk or returning officer shall take an oath to faithfully and impartially perform the duties required of them by this act, which oath may be administered by any person authorized to administer oaths or by one another.

Oath of election officers

Sec. 22. Be it further enacted, That if any officer or person having any duties to perform under this act shall wilfully or corruptly fail or refuse to perform the same, he shall be guilty of a misdemeanor and, on conviction thereof, shall be fined not less than \$100.00 nor more than \$500.00, and may be imprisoned in the county jail or sentenced to hard labor for the county for not less than six months.

Penalty for neglect

Sec. 23. Be it further enacted, That if the election herein provided for shall not be called and held within four years from the approval of this act, then its provisions shall be null and void.

When act null and void

Contests

Sec. 24. Provided, That the election under this bill shall be contested, as is provided by law in this State in elections for probate judges by any ten citizens of Shelby county, and on appeal shall lie to the Supreme Court from the judgment of said contest in the same manner as appeals from judgments or contests of election of probate judges.

Repeal

Sec. 25. Be it further enacted, That all acts in conflict with this act be, and the same is, hereby repealed.

Approved February 9th, 1899.

No: 359)

AN ACT

(S. 347)

To authorize the Court of County Commissioners of Chambers County to issue and sell bonds of said county to an amount not exceeding thirty thousand dollars, for the purpose of building a new courthouse for said county, and furnishing the same; and to provide for the payment of said bonds.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners of Chambers county be, and the same is hereby authorized to issue and sell coupon bonds of said county to an amount not exceeding thirty thousand dollars, for the purpose of building a new courthouse in said county, and furnishing the same.

Interest

Sec. 2. Be it further enacted, That said bonds shall not bear a greater rate of interest than six per centum per annum, and the interest thereon shall be payable semi-annually, on January the first and July the first, in each year, at the Bank of LaFayette, in said county, upon the presentation and surrender of the interest coupons as they severally become due.

Coupons

Sec. 3. Be it further enacted, That said bonds may be issued in denominations as may be determined by the Court of County Commissioners, and numbered consecutively, beginning with the lowest

number, and the interest coupons shall be attached to said bonds and numbered to correspond with the bond to which the same is attached.

Sec. 4. Be it further enacted, That said bonds shall be made payable in such lawful money of the United States as the Court of County Commissioners may deem to be to the best interest of the county. Payable in lawful money

Sec. 5. Be it further enacted, That said bonds and coupons issued by authority of this act, shall be signed by the probate judge and countersigned by the treasurer of said county, and the seal of the Probate Court shall be affixed to said bonds. Signed by

Sec. 6. Be it further enacted, That the probate judge of said county shall be required to keep a correct record of all bonds issued and sold under the authority of this act. Record

Sec. 7. Be it further enacted, That said bonds shall not be sold at less than par. Par

Sec. 8. Be it further enacted, That said bonds shall be issued and made payable in the sum of fifteen hundred dollars for each year, the first made payable on the first day of January, 1901, and the same amount payable on the first day of January of each year thereafter, until the whole amount has been issued. When payable

Sec. 9. Be it further enacted, That all of said bonds which may be issued under this act shall be exempt from county and municipal taxation in Chambers county, and such bonds, after maturity, shall be receivable for dues to Chambers county. Taxes exempt from

Sec. 10. Be it further enacted, That said Court of County Commissioners is hereby authorized, either by themselves or its duly appointed agent, to sell the bonds which may be issued under this act, and the said Court may appoint such agent or agents as may be necessary for the purpose of carrying out this act; that no technical informality, neglect or omission in the proceedings of said Court shall in anywise vitiate or annul the bonds and coupons issued under this act, or affect the rights of the purchasers or holders of such bonds and coupons; but said bonds and coupons shall Authority of commissioners court

have all the properties and protection of commercial paper.

Paid to county treasurer Sec. 11. Be it further enacted, That the money arising from the sale of said bonds issued by authority of this act shall be paid by the Court of County Commissioners directly into the hands of the county treasurer of said county, and they shall take his receipt for the same, which shall state the nature, character, amount and date of such deposit.

Court house fund Sec. 12. Be it further enacted, That the treasurer shall keep a separate account of this fund, and it shall be designated as the "Court House Fund," and the said fund shall be paid out by him only upon the warrant drawn by the probate judge of said county, which warrant shall designate that they are to be paid out of the "Court House Fund."

County treasurer Sec. 13. Be it further enacted, That the county treasurer shall be held responsible for the safe keeping and paying out of said fund, as he is for any other fund of said county, and shall be liable in the same manner with reference to said fund as he is with reference to any other county funds. The treasurer shall not be entitled to any commissions from the amount of money disbursed out of the "Court House Fund."

Special tax Sec. 14. Be it further enacted, That to issue the payment of said bonds and coupons, the said Court of County Commissioners are hereby authorized, and it shall be their duty, to levy such a special tax as may be necessary, not to exceed the rate authorized by the constitution of Alabama, upon the assessed value of all the personal and real property subject to taxation in said county, to be collected in the same way and by the same officer as is provided by law for the collection of State and county taxes; and such taxes, when collected, shall be paid over to the county treasurer as other county taxes, but to be kept by him as a separate fund. Such levy may be made in any year or years that the said Court may deem proper.

Approved February 8th, 1899.

No. 360)

AN ACT

(S. 222)

To authorize the Southern Railway Company to discontinue the use of that part of its railroad west of the Town of York, in Alabama, in the direction of Lauderdale Station, in Mississippi.

Section 1. Be it enacted by the General Assembly of Alabama, That the Southern Railway Company, a corporation, is hereby authorized to discontinue the use of that part of its railroad in Alabama west of the town of York, in this State, which extends in the direction of Lauderdale, Mississippi.

Authority to
discontinue

Approved February 8th, 1899.

No. 361)

AN ACT

(H. 733)

To relieve Nora Bennett, of Butler County, of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That Nora Bennett, a minor under the age of eighteen years, of Butler county, Alabama, be, and is, hereby relieved from the disabilities of non-age, and is hereby invested with the right to sue and be sued, contract and be contracted with, to buy, sell and convey real or personal property, and generally to do and perform all things which such minor could lawfully do if 21 years of age.

Relief

Approved February 8th, 1899.

No. 362)

AN ACT

(H. 1140)

To incorporate Alabama Trust and Guarantee Company.

Section 1. Be it enacted by the General Assembly of Alabama, That J. S. Willcox, Sigmund Roman, P. C. Massie and William C. McGuire, and such

Incorporators

Name

other persons as may hereafter become associated with them, their successors or assigns, be, and are hereby, constituted a body politic and corporate, under the name and style of Alabama Trust and Guarantee Company, with its principal place of business located in any city or town of the State of Alabama, and with branch offices and agents located at such points in said State as said corporation may, from time to time, select.

Powers

Sec. 2. Be it further enacted, That said corporation shall have all the general powers incident to corporations of like character, in addition to the special power and authority hereinafter granted it; that it may sue and be sued, implead and be impleaded, contract and be contracted with, hold, lease, buy, mortgage and sell such real and personal property as may be necessary and convenient for the proper transaction of its business; have a common seal, which may be changed at pleasure, and make such legal by-laws, rules and regulations as may seem to it proper and expedient and suited to its powers and the nature of its business.

Capital stock

Sec. 3. Be it further enacted, That the capital stock of said corporation shall be the sum of fifty thousand dollars, divided into shares of the value of one hundred dollars each; but said capital may be increased after organization to any amount permitted by the laws of Alabama; provided, the charter fees required by law are duly paid, and such increase is assented to by persons holding at least two-thirds in value of its capital stock, and indicated by the vote of such holders, in person or by proxy, given at a meeting called for the purpose, and assembling at the principal office of said corporation, of which meeting at least ten days notice must be given by publication at least one time in some newspaper of general circulation, published in the city or town in which the principal office of said corporation is located.

Powers and
rights

Sec. 4. Be it further enacted, That said corporation shall have the power and right to buy, hold, sell and mortgage real and personal property; to loan money secured by mortgage or pledge of real

or personal property, either or both, and buy all classes and character of securities; to borrow money, and to make its obligations for the same, securing its re-payment by mortgage of its real or personal property, or hypothecation of its securities; and to buy, sell or hypothecate bonds of the United States, or of the State of Alabama, or any other State, or of any county or municipality.

Sec. 5. Be it further enacted, That said corporation shall have the power to buy and sell foreign and domestic exchange; to receive money on deposit, with or without interest, if with interest, under rules and regulations to be adopted by its directors; to conduct a savings bank in all its branches; to build and equip safety deposit vaults, and to receive and keep therein valuables, money, securities of every character and property of every kind, for a reward, or lease said boxes or compartments therein to others at an agreed rental. Banking

Sec. 6. Be it further enacted, That said corporation shall have the power to act as general or special agent and attorney, in fact, for the management of all and every class of business, and for the purchase, sale, lease or exchange of all classes of real or personal property, acting for any public or private corporation or person; and that it shall have power and authority to guarantee the payment of the notes, bonds and obligations of other persons, firms or corporations; and, as such agent or attorney, in fact, said corporation may do and perform all the acts and things which may lawfully be done by a natural person acting in the like capacity; that it shall have the right and power to act as agent or broker for persons or corporations in and about the negotiation of loans or investment of money, secured by mortgage or other security, acting either as agent for borrower or lender, or for both; that it shall have power and authority to act as fiscal agent for any person or public or private corporation, and as registration or transfer agent for such corporations. And for its service in the performance of the duties and powers described in this section, said corporation Agent

described in this section, said corporation shall have the right to demand and receive such reasonable compensation as may have been agreed on, or, in default of agreement, a reasonable compensation.

Powers

Sec. 7. Be it further enacted, That said corporation shall have power, to take, accept, hold and execute any trust that may be confided to it by will, deed or other instrument, or by the judgment of any Court; to be appointed and to act as executor, administrator, guardian, either of the estate of a minor or person non compos mentis, or for any other person, incompetent or disqualified from any cause from the management of his estate; to act as trustee, assignee, receiver, or in any fiduciary capacity, as fully as a natural person could act under the same conditions; to be appointed, execute and accept trusts of every kind which have been partially executed, or for which the trustee nominated shall have failed from any cause to qualify, or has resigned (in which event said corporation may be selected by the parties in interest to complete the duties of such trustee, if said parties are sui juris, by instrument in writing duly attested; but if said parties are not sui juris, then the selection is to be made by the Court of Chancery having jurisdiction); and generally, said corporation shall have the right and power to do and perform, and to be appointed, either by the Courts, or by the parties in interest, to do, perform and execute, all trusts of every character and description, including administration on the estates of deceased persons, which a natural person is competent to do, perform and execute. And it shall be lawful for any Court having jurisdiction to appoint said corporation to do and perform the fiduciary duties hereinabove mentioned, and to commission it therefor, and to give and to confer on said corporation all of the powers and authority in that behalf as it could confer on a natural person under the same conditions. And said corporation shall at all times be amenable to the orders, judgments and decrees of said Courts having jurisdiction of the subject matter,

and it shall make regular reports and accountings to said Courts at proper intervals, or whenever required to do so by proper orders. But it shall not be necessary for said corporation to take any oath, or execute any bond or other security for the faithful performance of any of said trusts that may be confided to it under the provisions of this section. For its services in this behalf said corporation shall be entitled to demand and receive such fees as are fixed by law for the service, in cases where the fees are so fixed. If not, it shall receive such fees as are agreed to, or, in default of agreement, a reasonable compensation for the services performed.

Sec. 8. Be it further enacted, That said corporation shall have power and authority to act as general or special agent of any fire or life insurance company; to conduct a general or special agency for the conduct of the business of writing fire or life insurance in all its branches, either or both, receiving a commission or other compensation, as may be agreed; that it may purchase or sell life insurance policies, or loan money on the security of such policies, taking an assignment of the policies as security for the repayment of the loans; and, generally, that it may do and perform any and all acts in and about the transaction of such business that a natural person might do and perform.

Sec. 9. Be it further enacted, That where any trustee or person acting in any fiduciary capacity, or where any officer of a Court, or of the State, or of any county or municipal corporation, is required or permitted to deposit money, property, securities or valuables of any or every kind, or gold or silver bullion, in any place of safe deposit for safe keeping, or in a bank, it shall be lawful for such persons to deposit said money or property with said corporation. But no bond or other security shall be required from said corporation to guarantee the safe keeping and return of said property.

Sec. 10. Be it further enacted, That on any sum of money, not less than one hundred dollars, which shall be collected or received by said corporation

in the execution of any of the fiduciary estates entrusted to it, as hereinbefore set out, an interest rate of four per cent. per annum shall be allowed by said corporation in all cases where such money shall remain in the possession of said corporation over twelve months, for the period of such excess, which interest shall continue after twelve months until said money shall be duly invested or paid over. And if the annual income of any minor or other person for whose estate said corporation may be guardian or trustee, shall exceed the sum which may be allowed, or which may be necessary for the support, maintenance and education of such person, such surplus income shall be accumulated by such corporation for the benefit of such person, by adding annual interest at the rate named on such surplus as new principal, at the end of each year.

Lawful to

Sec. 11. Be it further enacted, That it shall be lawful for said corporation to take over the property, business and assets of any other manufacturing, trading or business corporation, firm or person, and proceed to buy, sell, manage, operate, control, re-organize or liquidate the business and property of such concerns in manner and form as may have been agreed between the parties or as may seem most expedient for the protection of the interests of all parties concerned. And to accomplish this purpose, said corporation may subscribe to the capital stock of other corporations, issue bonds or other obligations secured by mortgage or pledge of the property of said concerns so taken over, and buy, sell or hypothecate the same; to encumber or create liens of said property and assets; guarantee the payment of their debts; and, generally, do and perform any and all acts in regards to said properties that may be necessary and proper for the accomplishment of the purposes and powers, and the attainment of the objects, given to said corporation by this section. And for its services in this behalf, said corporation shall receive such reasonable compensation as may have been agreed on by the parties, or, in default of agreement, a reasonable compensation.

Sec. 12. Be it further enacted, That said corporation shall have power and authority to execute as surety any and all penal bonds required by law to be given and executed by the various State, county and municipal officers of the State of Alabama, or by any other person or corporation, or on any bond required to be given by any person before entering on the duties of any office of trust; that it shall have power and authority to execute as surety any and all bonds required to be given in the course of, or initiatory to, the various forms of legal proceedings in this State, such as attachments, garnishments, appeal bonds and the like; that it shall have power and authority to become the surety on penal bonds required to be given by receivers, trustees, executors, administrators, guardians of minors or persons non compos, assignees, and by all other persons appointed to, or proposing to act, in a fiduciary capacity, for the faithful performance of their duties. And no bond or security shall be required of said corporation, nor shall any securities be required to be deposited by it with any officer of this State before it shall be allowed to execute bonds as surety, as set out in this section, save and except that said corporation shall not become liable as surety on any penal bond for an amount greater than its capital stock. And it shall be lawful for any judge, clerk of Court, or other officer or person, charged with the duty of approving the penal bonds described in this section, to approve any bond which said corporation has executed alone, as surety. And for its services and risk in this behalf said corporation shall have the right to demand and receive such reasonable compensation as may have been agreed on by the parties in interest.

As surety

Sec. 13. Be it further enacted, That said corporation shall have the power and authority to procure by purchase, or have made, an abstract of the titles to all of the real property in all or any one of the counties of this State, and to sell to any one desiring to purchase the same, an abstract of the title to any parcel of real property, certifying to the accuracy of the same, and receiving therefor

Abstract of
titles

such reasonable compensation for its services as may have been agreed on. And said corporation shall have the further right and power, for a reward, to enter into agreements with any persons, firms or corporations, whereby it undertakes to guarantee to such persons, firms or corporations that the title to any particular parcel of real property is good; and to answer such party in stipulated damages in case such title should prove defective in any particular wherein it was guaranteed to be good.

Additional
rights and
powers

Sec. 14. Be it further enacted, That said corporation, in addition to the rights and powers herein specifically conferred, shall have the right and power to make and enter into such contracts, agreements and arrangements, and do and perform all such matters and things as may be deemed necessary and convenient, directly or indirectly, to promote and carry out the corporate purposes as herein declared.

Compensation

Sec. 15. Be it further enacted, That for the faithful performance and discharge of any such duty, obligation or service so imposed upon, or conferred and accepted by said corporation, it shall be entitled to ask, demand and receive such reasonable compensation therefor as the service shall be worth, or such compensation as may have been or may be fixed by the contracts or agreements of the parties, as well as any and all advance necessarily paid out and expended in the discharge and performance thereof, and to charge legal interest on such advances. And any compensation paid, or agreed to be paid to said corporation for any services rendered by it, shall not be held to be interest within the meaning of any law of this State; and such compensation may embrace the employment of legal service, when such employment is reasonably necessary for the proper accomplishment of the matter in hand, or for the protection of any trust.

Annual
reports

Sec. 16. Be it further enacted, That said corporation shall render to the auditor of this State, on the first day of January in each year, a statement

of its condition at that date, and a condensed statement of said annual report shall be published by said corporation in a newspaper printed in the city or town where its principal office is located at least for one insertion.

Sec. 17. Be it further enacted, That the corporate powers of said corporation shall be exercised by a board of directors of not less than five nor more than nine members, who shall be elected each year from among the stockholders at the annual meeting, and who shall hold office for one year, and until their successors shall have been elected and qualified. Any vacancy occurring in this board may be filled by the remaining members, and such board may provide for such other officers or agents as they may deem necessary, and fix their duties and compensation. Directors

Sec. 18. Be it further enacted, That the annual election shall be held at the principal office of the corporation on a day to be fixed, notice of which shall be given by at least one publication, made at least ten days prior to the date of said meeting, in a newspaper published in the city or town in which its principal office is located. And in all meetings of stockholders each share of stock shall be entitled to one vote, which may be given by the stockholder personally, or by proxy duly executed. Annual election

Sec. 19. Be it further enacted, That said corporation shall not be authorized to transact any business, nor to exercise any of the powers herein granted, until its capital stock of fifty thousand dollars shall have been subscribed for by bona fide subscribers, and until at least twenty-five per centum of such subscriptions shall have actually been paid in. When authorized to commence business

Approved February 8th, 1899.

No. 363)

AN ACT

(H. 978)

For the preservation of game, animals and birds in
Pike and Crenshaw Counties.

Game pro-
tected

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful at any place in Pike or Crenshaw county to catch, kill, or injure or pursue with such intent, any wild buck, doe or fawn between the first day of April and the fifteenth day of September; and it shall be unlawful to catch, kill or injure any wild turkey between the first day of April and the first day of October; and it shall be unlawful to catch, kill or injure or pursue with such intent, any partridge or dove between the fifteenth day of March and the first day of November.

Penalty

Sec. 2. Be it further enacted, That any person who violates, or is in the act of violating, the provisions of this act shall, on conviction, be fined not less than five dollars nor more than twenty dollars for every violation, and justices of the peace and notaries public with powers of justices of the peace shall have concurrent jurisdiction with the Circuit Court in trial of cases under this act.

Duty of
officers

Sec. 3. Be it further enacted, That it shall be the duty of all sheriffs, constables and police officers in said county to arrest all persons violating or in the act of violating the provisions of this act, and take them before a justice of the peace, or other officer having jurisdiction, for the purpose of punishment.

Repeal

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved February 8th, 1899.

No. 364)

AN ACT

(H.937

To relieve Jannie May Gamble, of Coosa County,
of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That Jannie May Gamble, of Coosa county, be, and she is hereby, relieved of all the disabilities of non-age, and that she be and is hereby authorized to sue and be sued, contract and be contracted with, to receive and take possession of her estate, and to give receipts and acquittances therefor, to purchase, mortgage, exchange, transfer and sell real and personal property, and to do and perform all things as effectually and legally as though she were twenty-one years of age.

Approved February 8th, 1899.

No. 366)

AN ACT

(H. 416

To establish and maintain, regulate and make efficient a dispensary in the City of Troy, Pike county.

Section 1. Be it enacted by the General Assembly of Alabama, That C. L. Braunen, Dr. J. S. Beard, J. P. Wood, W. C. Black, J. C. Henderson, George Hamil, are hereby incorporated under the name and style of the Dispensary for the City of Troy, for the purpose of establishing and maintaining a dispensary in the said City of Troy for the sale of spirituous, vinous and malt liquors, wines and intoxicating drinks or liquors. The term of office of C. L. Brannen and J. S. Beard shall be one year from the passage of this act; the term of J. P. Wood and W. C. Black, two years; and the term of J. C. Henderson and George Hamil, three years from the passage of this act, and until their successors are elected and qualified as hereinafter provided. The mayor and councilmen of Troy shall

Relief

Incorporators

Name

Term of office

Mayor and councilmen shall elect commissioners

in January, 1901, elect one commissioner to succeed Brannen and Beard, and in January, 1902, said mayor and councilmen shall elect one commissioner to succeed said Wood and Black, and in January, 1903, said mayor and councilmen shall elect two commissioners to succeed said Henderson and Hamil, and in January, 1904, said mayor and councilmen shall elect one commissioner to succeed the first one they elected as above; and so on, annually, said mayor and councilmen shall elect successors.

Other officers

The mayor and councilmen shall, in like manner, at any regular or called meeting of said mayor and councilmen fill any vacancy for the unexpired term of any member of said board of commissioners caused by resignation or otherwise. Said board of commissioners shall also elect from their number a chairman, a secretary and treasurer, and require good and sufficient bonds and securities from such secretary and treasurer, and to cause said bonds to be approved by said mayor and councilmen. Said dispensary shall have the power to sue and to be sued, to plead and to be impleaded in the Courts of this State; and the said commissioners shall, before entering upon the discharge of their duties, take and subscribe, before some qualified officer, an oath, that they will faithfully and honestly discharge all the duties imposed upon them by this act. Said dispensary shall pay the regular State and county license as retailers. No provisions of this act affecting the sale of liquors in Pike county shall be operative until the dispensary provided for herein shall have been put into actual operation, and notice thereof given by one publication in a newspaper published in Troy. And this act shall not take effect before the first day of January, 1900, nor unless such dispensary is put in operation by the 10th day of January, 1900. And this act may be repealed or amended by any succeeding legislature. And the compensation of said above-named commissioners, for the first year shall be fifty dollars each.

Bonds

License

When to take effect

Sec. 2. Be it further enacted, That the dispensary commissioners provided for in this act, shall main-

tain at some convenient place in the City of Troy, Alabama, within the fire limits thereof, a dispensary for the sale of spirituous, vinous or malt liquors, wines or other intoxicating liquors, and shall, on the day after their qualification and organization and annually thereafter, elect a man who shall be of good moral character and sober habits, to be known as the manager of said dispensary, who shall have charge and control of said dispensary, under the supervision of said commissioners. Said manager shall be chosen for the term of one year, and may be removed at any time during his term of office by said commissioners for neglect of his duty or for violation of any laws, and said commissioners shall fill his unexpired term by the selection of another man as manager of said dispensary. Said manager shall be required to take and subscribe an oath that he will faithfully and honestly discharge all duties required by this act, and said manager shall also be required to give bond, with good and sufficient surety, to be approved by the said commissioners, in such sum as the said commissioners may determine, conditioned to faithfully account for all goods and moneys that may come into his hands as such manager, and for the faithful performance of all duties required of him by this act, and by such rules and regulations as the said commissioners may enact. Said manager shall receive such salary as said commissioners may fix, and his compensation shall not be dependent upon the amount of the sales.

Sec. 3. Be it further enacted, That said manager, under the direction of said commissioners, shall at all times keep a stock of spirituous, vinous or malt liquors, wines and other intoxicating liquors, in such quantities as said commissioners may direct, and sell the same only for cash, in quantities not less than one-half pint, and shall make no sales except for cash, and shall turn over all moneys received by him to the secretary of the board of commissioners at the end of each day, and said secretary shall at the end of each week turn over all money coming into his hands from said man-

ager to the treasurer of said board of commissioners and take his receipt for the same.

Accounts,
how paid

Sec. 4. Be it further enacted, That all accounts due by said dispensary for the maintenance and operation of the same shall from time to time be paid by the treasurer upon such demand being presented to said treasurer and approved by a majority of said commissioners.

Rules

Sec. 5. Be it further enacted, That said dispensary commissioners shall make from time to time rules and regulations for the operation of said dispensary, not in conflict with the provisions of this act and the laws of the State of Alabama, and the commissioners and manager of said dispensary shall at all times in the management and conduct of said dispensary, conform to the laws of the State of Alabama, regulating the sale of spirituous, vinous or malt liquors, and the said manager shall conform to all the regulations that said board of commissioners may enact for the control, management and conduct of said dispensary which are not in conflict with the laws of this State.

No drinking
on premises

Sec. 6. Be it further enacted, That no spirituous, vinous or malt liquors, wines or other intoxicating liquors shall be drank in the building or on the premises where the said dispensary is located.

Hours open

Sec. 7. Be it further enacted, That said dispensary shall not be opened on any day before sunrise, and shall be closed each day not later than six-thirty in the afternoon, and shall remain closed on Sunday, election days and on the day before election days and on such other days as the commissioners may direct the same to stand closed.

Sealed packages

Sec. 8. Be it further enacted, That the manager of said dispensary shall not sell to any person, or persons, any spirituous, vinous or malt liquors, wines or other intoxicating liquors except in sealed packages, and the said dispensary shall not keep any broken packages in said dispensary, and whenever an original package is broken it shall at once be bottled and sealed and sold by the manager of said dispensary in such bottled and sealed condition.

Sec. 9. Be it further enacted, That said managers shall make a monthly report to said board of commissioners showing the exact financial condition of the said dispensary, and the said board of commissioners shall at any time when they see proper, make an investigation of the correctness of said report and check up the balance of matters pertaining to said dispensary.

Manager to
report

Sec. 10. Be it further enacted, That the manager of said dispensary shall not allow, and it is hereby made unlawful for any person or persons to loiter in or about said dispensary or on the premises where the same is situated, and for the failure to enforce this section of this act the manager of said dispensary shall be removed from office.

Loitering for-
bidden

Sec. 11. Be it further enacted, That the mayor and councilmen of the City of Troy, Alabama, shall have power and authority to pass all ordinances to carry out the provisions of this act, and to provide suitable penalties for the violation of any of the provisions of this act.

Power of
mayor and
councilmen

Sec. 12. Be it further enacted, That said dispensary shall be maintained and operated from the funds arising from the sale of spirituous, vinous or malt liquors, wines, cider and other intoxicating liquors, and the said dispensary in order to inaugurate itself and purchase a stock of liquors from time to time is hereby authorized to borrow money or pledge its credit.

How operated

Sec. 13. Be it further enacted, That said board of commissioners of said dispensary shall appropriate fifty per cent. of the net profits of said dispensary to the public schools of the Troy school district, to be applied in such a way as the proper authorities of said Troy school district may deem best for the interest of said public schools. The remaining fifty per cent. of the net profits of said dispensary shall be paid over to the city clerk and treasurer of the City of Troy, Alabama, to be used by or under the direction of the mayor and councilmen in such way as they may deem best for the best interest of the City of Troy. Said appropriations shall be made by said commissioners semi-annually in each year.

Use of profits

Semi-annual
report

Sec. 14. Be it further enacted, That said commissioners shall semi-annually publish a report of the financial condition of said dispensary, showing the receipts and disbursements, the amount set aside for educational purposes and the amount paid into the city treasury.

Salary

Sec. 15. Be it further enacted, That the commissioners provided for in this act, shall receive a salary of fifty dollars each per annum for the first year, and the secretary and treasurer shall be paid each seventy-five dollars per annum additional. Said salaries to be paid out of the net proceeds of said dispensary.

May suspend

Sec. 16. Be it further enacted, That said board of commissioners shall have full power and authority, and any time they may see proper so to do, to suspend or discontinue said dispensary and close out all stock thereof on hand.

License to
others not
to be issued

Sec. 17. Be it further enacted, That after this act goes into effect the city council of Troy and the probate judge of Pike county are hereby prohibited from issuing, granting or renewing any license for the sale of spirituous, vinous or malt liquors, wines or other intoxicating liquors, within the limits of Pike county: Provided, nevertheless, that the dispensary commissioners at any time determine to permanently discontinue the dispensary as authorized by section 16 of this act, the city council of Troy and the probate judge of Pike county are hereby authorized to resume the control of the liquor traffic of said town and county if the City of Troy does not put into operation a dispensary under this or some other act.

Proviso

Sec. 17½. Be it further enacted, That a majority of the said abovenamed commissioners shall be authorized to set up and carry on said dispensary in the event the others fail to qualify as such commissioners by the first of December, 1899. And if said commissioners fail to establish such dispensary, then the authorities of the City of Troy may do so under the provisions of this act. Nothing in this act contained can affect of change any law in said county affecting the manufacture or sale of

domestic wines made in said county by the maker thereof, and sold in quantities not less than one quart: Provided, the same is not drank on the premises where sold. And this act shall not be affected by any dispensary law now or hereafter enacted, for the State or any county thereof.

Sec. 18. Be it further enacted, That all laws and parts of laws in conflict with this act or any part thereof be, and the same are hereby repealed. Repeal

Approved February 9th, 1899.

No. 367)

AN ACT

(H. 154

To create a separate school district in Cherokee county and to define the boundaries thereof.

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district be established in Cherokee county, State of Alabama, to be known as the Hopewell School District, with the following described boundaries, to wit: Beginning on the north side of Coosa river at the mouth of Yellow creek, said creek being the east boundary line, to brow of Lookout mountain; thence along said mountain to Tatum's gap; thence along public road to McGee's mill branch; thence along said branch to Coosa river; thence along said river to the mouth of Yellow creek, the starting point. Said district being composed of parts of township (10), range (9); township (9), range (9); township (9), range (8); township (10), range (8), and part of Leesburg school district. Boundaries

Sec. 2. Be it further enacted, That the county superintendent of education of Cherokee county shall appoint three trustees, who are resident householders of said district, who shall serve until the next election provided for by law, for the election of township trustees in Cherokee county, at which time the qualified electors of said district shall elect three trustees, who shall be resident householders of said district. Said trustees shall Trustees

be governed by the laws governing township trustees.

School funds

• Sec. 3. Be it further enacted, That the county superintendent of education of said county shall set apart from the public funds of said county the pro rata share of the school fund and the poll tax collected in said district, together with the interest of the sixteenth section fund, to the schools, as provided in the laws governing the public schools of the State of Alabama.

Approved February 9th, 1899.

No. 368)

AN ACT

(H. 409

To increase the revenue of the public schools of the County of Chilton.

School tax

Section 1. Be it enacted by the General Assembly of Alabama, That an annual tax, the minimum rate of which shall be five cents, and the maximum rate of which shall be set by the Court of County Commissioners, not to exceed twenty-five cents on the hundred dollars, shall be imposed on each one hundred dollars of assessed valuation of all taxable property within the County of Chilton; and that the revenue derived therefrom shall be applied solely to the use of the public schools of the county aforesaid: Provided, that the said tax, combined with the other taxes of the county, shall in no case exceed the limit of taxation fixed by the State Constitution for the counties of the State; and provided, further, that the enforcement of this act shall be at the option of the Court of County Commissioners of said county, the apportionment and distribution of this fund shall be made by the county superintendent in the same manner as the State fund. For this service said county superintendent shall receive four per cent. commission.

Option to enforce

Duty of county superintendent

Act takes effect

Sec. 2. Be it further enacted, That the provisions of this act shall take effect immediately after its adoption.

Approved February 9th, 1899.

No. 369)

AN ACT

(H. 252)

To create a separate school district for Marion county, Alabama, to be known as the Barnesville School District.

Section 1. Be it enacted by the General Assembly ^{School district} of Alabama, That a separate public school district be, and the same is hereby established in the County of Marion, and State of Alabama, to be known as the Barnesville public school district, and that said district shall be composed of the following territory, viz: Section 6 and 7 in township 11, range 14; sections 1, 2, 3, 10, 11 and 12, in township 11, range 15; sections 30 and 31, in township 10, range 14; sections 25, 26, 27, 34, 35 and 36, in township 10, range 15, in Marion county, Alabama.

Sec. 2. Be it further enacted, That said separate ^{School funds} school district shall receive its share of the public school funds of this State as provided for by law in proportion to the number of school children within the educational age residing in said district.

Sec. 3. Be it further enacted, That the superintendent of education of Marion county, Alabama, shall within thirty days after the passage of this act appoint three trustees for said school district, who shall possess the same qualifications and discharge the same duties as trustees of the other public schools of the State, and such trustees shall hold their office for a term of two years from the date of their respective appointments. ^{Trustees}

Approved February 9th, 1899.

No. 370)

AN ACT

(S. 82)

To relieve James Benjamin Daniel, of Geneva County, of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That James Benjamin Daniel, a minor

Relief

under the age of eighteen years, of Geneva county, Alabama, be, and is hereby, relieved from the disabilities of non-age, and is hereby invested with the right to sue and be sued, contract and be contracted with, to buy, sell and convey real or personal property, and generally to do and perform all things which such minor could lawfully do if twenty-one years of age.

Approved February 9th, 1899.

No. 371)

AN ACT

(H. 1142)

To fix the rate of tolls to be charged by the Southern Railway Company on the road bridge crossing the Tennessee River between Colbert and Lauderdale counties, and known as the Florence Bridge; and to repeal the act of the Legislature approved February 9th, 1895, entitled "An act to fix the maximum of tolls to be charged by the owners, lessees, or operators of the road bridge crossing the Tennessee River between the counties of Colbert and Lauderdale, and known as the Florence Bridge, and to fix the penalty for demanding or receiving a higher rate of toll."

Whereas, There has heretofore been a controversy between the Southern Railway Company and the Business League of Florence respecting the charges for tolls over the bridge at Florence, between Colbert and Lauderdale counties; and,

Whereas, At a meeting representing both sides in said controversy, a rate of tolls was agreed upon as hereinafter set out; therefore,

Rate of tolls

Section 1. Be it enacted by the General Assembly of Alabama, That the rates of tolls to be charged by the Southern Railway Company on the road bridge crossing the Tennessee River between the Counties of Colbert and Lauderdale, and known as the Florence Bridge, shall be as follows: For each foot passenger, \$.07, except for children under five years of age, for which there shall be no

charge. For children under twelve years and over five years old, \$.04. For horses, mules, cattle in droves, each, \$.07. For one man and horse, \$.15. For one horse buggy, cart or dray, \$.20. For two horse carriage or buggy, \$.30. For two horse carriage, capacity six passengers, \$.50. For two horse or ox wagon, \$.30. A two-horse wagon may include the driver and one person, if loaded. If empty, it may include the driver and three other persons. No wagon containing less than one hundred pounds of freight shall be considered as loaded. For four-horse or ox wagon, \$.60. For six horse or ox wagon, \$.70. For special school tickets, \$.03.

Sec. 2. Be it further enacted, That should the owners, lessees, or operators of said toll bridge, ^{Penalty} by themselves, or any of their agents, demand or receive from any person a higher rate of toll than is prescribed by this act, he or they shall forfeit to such person twenty dollars for each offense, to be recoverable before any justice of the peace or notary public, and ex-officio justice of the peace of either of the said Counties of Colbert or Lauderdale.

Sec. 3. Be it further enacted: That the act approved February 9th, 1895, entitled "An act to fix the maximum of tolls to be charged by the owners, lessees or operators of the road bridge crossing the Tennessee River between the Counties of Colbert and Lauderdale, and known as the Florence Bridge, and to fix the penalty for demanding or receiving a higher rate of toll," be, and the same is, hereby ^{Repeal} repealed.

Approved February 10th, 1899.

No. 372)

AN ACT

(S. 95

To repeal an act entitled "An act to amend Section 5028 of the Code (of 1876) so far as the same applies to Madison county, and to reduce fees of the Register in Chancery of said county," approved February 17th, 1885.

Section 1. Be it enacted by the General Assembly of Alabama, That an act, entitled "An act to

Repeal

amend Section 5028 of the Code (of 1876), so far as the same applies to Madison county, and to reduce the fees of the Register in Chancery of said county," approved February 17th, 1885, be, and the same is, hereby repealed.

Takes effect
from pas-
sage

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 9th, 1899.

No. 374)

AN ACT

(S. 187

To amend Sections 3525 and 3532 of the Code of Alabama, so far as the same relates to the Counties of Mobile, Monroe, Escambia, Baldwin, Washington, Clarke and Choctaw.

Code, Section
3532
amended

Section 1. Be it enacted by the General Assembly of Alabama, That Section 3525 of the Code of Alabama be amended, so far as the same relates to the Counties of Mobile, Monroe, Escambia, Baldwin, Washington, Clarke and Choctaw, so as to read as follows: "Property Adrift: All property adrift, except logs and timber, may be taken up by any person and secured."

Section 3532
amended

Sec. 2. Be it further enacted, That Section 3532 of the Code of Alabama be amended, so far as the same relates to the Counties of Mobile, Monroe, Escambia, Baldwin, Washington, Clarke and Choctaw, so as to read as follows: "Compensation of Taker: The taker is entitled to ten per cent. on the appraised value of each bale of cotton, and on other property, except logs and timber, as follows: Twenty-five per cent. on all under thirty dollars; between thirty and one hundred dollars, twenty per cent.; between one hundred and five hundred dollars, fifteen per cent.; between five hundred and one thousand dollars, ten per cent.; and on all over one thousand dollars, five per cent.

Approved February 9th, 1899.

No. 375)

AN ACT

(H. 2

To provide for the registration and lien of judgments for the payments of money in the Courts of Justice of the Peace in the Counties of Baldwin, Coosa, Talladega, Henry and DeKalb.

Section 1. Be it enacted by the General Assembly of Alabama, That the plaintiff or owner of any judgment rendered by the Courts of Justice of the Peace in Baldwin, Coosa, Talladega, Henry and DeKalb counties, for the payment of money, may file in the office of the judge of probate of said counties a certificate of the justice of the peace, before whom such judgment was rendered, showing the amount and date thereof, the amounts of costs, and the names of the parties, which certificate shall be registered by the judge of probate of said counties, in a well bound book to be kept by him for that purpose, which register shall also show the date of filing and the name of the owner of such judgment, and every judgment so filed and registered shall be a lien upon the property of the defendant in the counties in which said judgment is rendered, which is subject to levy and sale under execution in said Court, and such lien shall continue for five years from the date of such registration. The registration of such judgment shall be notice to all persons of the existence of such lien.

Registration
of judgments

Sec. 2. Be it further enacted, That the probate judge shall be entitled to a fee of twenty-five cents for each judgment so registered.

Sec. 3. Be it further enacted, That the laws relating to the entry of credits and satisfaction of mortgages shall apply to the entry of credits and satisfaction of liens created by this act.

Entries of
credits, etc

Sec. 4. Be it further enacted, That the justice of the peace shall furnish, on demand by the owner of the judgment, a certificate of the same, for which he shall receive a fee of twenty-five cents, to be paid by the owner of the judgment.

Certificate of
justice of
peace

Executions

Sec. 5. Be it further enacted, That an execution may issue at any time within five years from the date of the filing of the certificate of the judgment for record in the office of the judge of probate in said counties, said execution to be issued by the justice of the peace that rendered the judgment, or his successor in office; and the justice of the peace that issues the execution must indorse on the execution the date that said judgment was rendered, and also the date that judgment was recorded. The date of recording to be furnished the justice of the peace by the plaintiff or owner of the judgment upon the production to the said justice of the peace of said recorded certificate of said judgment, or a duly certified copy thereof.

Counties act
applies to

Sec. 6. Be it further enacted, That this act shall be operative only as to judgments that may be rendered in Courts of Justice of the Peace in the Counties of Baldwin, Coosa, Talledega, DeKalb, and Henry, after the passage of this act, and that all such judgments rendered after the passage of this act must be recorded within six months after the rendition thereof, and if not so recorded shall not operate as a lien as herein provided.

Approved February 9th, 1899.

No. 376)

AN ACT

(H. 436

To establish a separate school district in Madison County, Alabama, to be known as the New Market School District, and to fix the boundaries thereof.

School district of Alabama, That a separate school district be established, to be known as the New Market District, in Madison county, Alabama, to be subject to the school laws of the State of Alabama; said district shall be composed and consist of the following territory, within the following named boundaries, to-wit: All the territory included within the

boundary which would be described by lines drawn east, south, north and west, being at their nearest point two and one-half miles from a common center described as the crossing of Mill and Main streets in the town of New Market, Alabama, embracing a territory five miles square, with the town of New Market as the center, all in Madison county.

Sec. 2. Be it further enacted, That the educational affairs of said district shall be under the control of a board of trustees consisting of three, who shall be elected as now provided by law for the election of township trustees, and said board shall have the same authority and power and shall be governed by the same rules of law as are made and prescribed for township trustees of public schools in this State. Trustees

Sec. 3. Be it further enacted, That the county superintendent of education of Madison county shall appoint three resident trustees of said school district, to hold office until their successors shall be elected and qualified. Appointment

Sec. 4. Be it further enacted, That the said school district shall receive its proportionate share of the public school revenue, including a prorata share of the sixteenth section funds, and shall also receive all the tax collected as poll tax from white people within the limits of the territory set forth in the first section of this act. School funds

Sec. 5. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed. Repeal

Approved February 10th, 1899.

No. 377)

AN ACT

(H. 278

To establish a county school book board to select a uniform series of text books for use in the public schools in Tallapoosa County; and to provide a penalty for the violation of the provisions of this act by any member of the school book board.

County board of Alabama, That the probate judge, county superintendent of education and three competent and efficient teachers, to be selected by the county superintendent and educational board in Tallapoosa county, shall constitute a county board for the purpose of adopting a series of text books, for uniform use in the public schools of said county, supported wholly or in part by public money, except separate school districts established by special acts of the legislature and authorized to adopt a uniform series of text books. The judge of probate shall be chairman, and the county superintendent of education, clerk and ex-officio member of said board.

Meeting The county school book board so constituted shall meet at the county seat on the last Monday in June, 1899, for the purpose of carrying out the provisions of this act; but if a quorum of said board shall not be present at such meeting, said board shall adjourn to some time during the month of July of said year. The judge of probate shall give due notice of the time and place of such meeting.

Select text books Sec. 2. Be it further enacted, That the county school book board shall, at the regular or adjourned meeting, as prescribed in the foregoing section, select and adopt one complete series of text books on each of the several branches of study taught in the public schools of the county, from the list of the school book publishers offering the lowest and most satisfactory terms for introducing and exchange: Provided, That all publishers shall furnish a full list and prices of their books; and no text book containing anything partisan, prejudicial or inimical to the interest of the people of the

State, or cast reflection on their past history, and such series of text books, so adopted, shall be established and made uniform in all the public schools of the county. Said adopted text books shall not be changed thereafter for five years, except by a three-fourths vote of said board, at a meeting called by the judge of probate for that purpose, of which thirty days notice shall be given. The county superintendent of education shall make a record of said adoption, and the judge of probate shall keep a copy of the same in his office. It shall be the duty of the county superintendent of education to furnish the teachers and school officers in the county with a list of the text books adopted by the county school book board, and to see that the adopted list of text books is established and maintained in use in the public schools of the county; and he shall require each teacher to state in his report whether or not the adopted books are used in the school under his charge; and a persistent neglect on the part of teachers to use the adopted text books shall be deemed a sufficient cause for the cancellation of his certificate: Provided, That nothing in this act shall be so construed as to prevent any persons, firms or corporations dealing in books from competing for the furnishing of books for the public schools in said county, and the lowest bid and the best books shall be adopted.

Duty of county superintendent

Sec. 3. Be it further enacted, That no member of the county school book board shall be permitted to act as an agent of any publisher or dealer in school books, nor receive any pecuniary benefits therefrom, and any member of said board guilty of violating the provisions of this section shall be fined not less than ten dollars and be dismissed from said board.

Members not to be agents, etc

Sec. 4. Be it further enacted, That this act shall take effect and be enforced from and after its passage, and all laws, special and general, in conflict with the same, are hereby repealed.

When act takes effect

Approved February 9th, 1899.

No. 378)

AN ACT

(H. 520)

To amend Section 1 of an act, to provide for the registration and lien of judgment for the payment of money in the Courts of Justice of the Peace in Lamar, Calhoun, Monroe, Barbour, Walker and Etowah, Macon, Fayette, Sumter, Tallapoosa, Chilton and Madison counties, in so far as the same affects the Counties of Chilton and Macon.

Registration
of judgments

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of said act be, and the same is, hereby amended, so far as the same affects the Counties of Chilton and Macon, so as to read as follows: "That the plaintiff or owner of any judgment rendered by the Courts of Justices of the Peace in Lamar, Calhoun, Monroe, Barbour, Walker, Etowah, Macon, Fayette, Sumter, Tallapoosa, Chilton and Madison counties, for the payment of money, may file in the office of the judge of probate of the respective counties, certificates of the justice of the peace before whom such judgment was rendered, showing the amount and date thereof, the amounts of costs and the names of the parties, which certificate shall be registered by the judge of probate of said counties in a book to be kept by him for that purpose, which register shall also show the date of filing and the name of the owner of such judgment, and every judgment so filed and registered shall be a lien upon the property of the defendant in the county in which said judgment is rendered, which is subject to levy and sale under execution, in said Court; and such lien shall continue for five years from the date of such registration. The registration of such judgment shall be notice to all persons of the existence of such lien.

Approved February 9th, 1899.

No. 379)

AN ACT

(H. 501

To give full power and authority to "The North Alabama Conference of the Methodist Episcopal Church South," to convey certain property, real and personal, choses in action, franchises, rights and privileges, to "The Annual Alabama Conference of the Methodist Episcopal Church South."

Whereas, Under and in pursuance of an act of the General Assembly of Alabama, approved on the 16th day of February, 1883, "The Annual Alabama Conference of the Methodist Episcopal Church South" and "The North Alabama Conference of the Methodist Episcopal Church South" did unite in sustaining, maintaining and carrying on "The Southern University," an institution of learning, located in Greensboro, Hale county, Alabama; and,

Whereas, Under and in pursuance of the said act of the General Assembly of Alabama, the trustees of the Southern University did convey by deed in fee simple, all the property, real and personal, choses in action, franchises, rights and privileges, that did then belong or appertain to said corporation, to the Annual Alabama Conference of the Methodist Episcopal Church, South, and to the North Alabama Conference of the Methodist Episcopal Church South, to be by said conference jointly and equally held, used and disposed of as they should deem best for the attainment of the objects and purposes for which said Southern University was founded, and for which it was incorporated by an act of the General Assembly of Alabama, approved January 25th, 1856; and,

Whereas, The North Alabama Conference of the Methodist Episcopal Church South has established, and is now carrying on a male college of its own within the bounds of its own territory, and on the 2d day of December, 1897, did adopt a resolution, which is as follows: Resolved, That we hereby instruct the legal representatives of this conference

to deed back to the Alabama conference all our rights and ownership in the Southern University; therefore,

Power and
authority

Section 1. Be it enacted by the General Assembly of Alabama, That full power and authority are hereby given to "The North Alabama Conference of the Methodist Episcopal Church South" to convey to the annual Alabama Conference of the Methodist Episcopal Church, South, by deed in fee simple all the property, real and personal, choses in action, franchises, rights and privileges, that did belong and appertain to the said Southern University, and that the trustees of the Southern University did convey by deed to the said "The North Alabama Conference of the Methodist Episcopal Church South," and full power and authority are hereby given to "The North Alabama Conference of the Methodist Episcopal Church South" to convey to the annual Alabama Conference of the Methodist Episcopal Church South" all the endowment money, endowment notes, bonds and obligations, and all other property acquired by the said two conferences for the uses and benefit of the said "The Southern University," during the time the said two conferences have been jointly interested in said Southern University; and to deed back all its rights and ownership in the Southern University, the property so conveyed to be held and used for the benefit of the said Southern University.

Approved February 9th, 1899.

No. 380)

AN ACT

(H. 714

To repeal an act to incorporate the Phenix City Railway Company, define its rights, privileges, powers and franchises. Approved December 19th, 1894.

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That an act to incorporate the Phenix City Railway Company, define its rights, privileges,

powers and franchises, approved December 19th, 1894, be, and the same is, hereby repealed.

Approved February 9th, 1899.

No. 381)

AN ACT

(H. 842

To establish a separate school district, to be known as the Bethel School District, composed of a portion of Colbert, Lawrence and Franklin counties, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district, composed of a portion of Colbert, Lawrence and Franklin counties, be, and the same is, hereby established, to consist of the following territory, to-wit: Sections 25, 26, 35, 36, and the S. $\frac{1}{2}$ of 23 and 24, T. 5, R. 10 west, 29, 30, 31, 32, and the S. $\frac{1}{2}$ of 19, T. 5, R. 9, W., Colbert county, 29, 30, 31, 32, T. 5, R. 9, W., 5 and 6, T. 6, R. 9, W., Lawrence county, one (1) less the west $\frac{1}{4}$ of T. 6, R. 10, W., Franklin county.

Sec. 2. Be it further enacted, That said school district shall be entitled to receive its proper proportionate share of all funds raised or apportioned by the State or counties for public schools, also its proportionate share of the sixteenth section funds accruing to the township of which said school district is a part, and it shall receive all poll tax which may be collected from the white residents of said school district, and all funds which may be donated thereto.

Sec. 3. Be it further enacted, That the educational affairs of said school district shall be under similar control as that of the township trustees of the State, when not otherwise provided, and shall be managed by five trustees, who shall be elected by the qualified white voters of said school district in the same manner and under the same provisions as is by law established for Colbert county Alabama.

Duties

Sec. 4. Be it further enacted, That it shall be the duty of said trustees to establish and locate one school, and but one, and the same to be located at or near Bethel Baptist Church in said district, and elect officers and teachers for the same, and to perform all other duties necessary to the proper organization, regulation and maintenance of said school making contracts with teachers and approving reports in the manner provided by the general school laws: Provided, That said trustees may elect one of their number as chairman of the board of trustees; and said chairman may contract with teachers and approve reports as in the manner provided for trustees of townships.

Trustees

Sec. 5. Be it further enacted, That the following named citizens, W. G. Hollimon, F. M. Carpenter, C. M. Kirby, M. W. Daily, and B. F. Carpenter, shall be trustees of said school district until their successors are elected and qualified for office.

Patrons

Sec. 6. Be it further enacted, That any citizen living within one mile of the boundary lines of said school district may become a citizen and patron of said district and school, by registering their names with the trustees of said district; but their decision shall be final and all their pro rata share of the public school funds shall be transferred to said school district.

Incidental

Sec. 7. Be it further enacted, That the trustees of said school district shall have the right and power to assess and collect a reasonable incidental fee from each pupil, for incidental expenses of said school, should it at any time become necessary to the well being of said school.

Repeal

Sec. 8. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and are, hereby repealed.

Approved February 15th, 1899.

No. 382)

AN ACT

(H. 997)

For the relief of J. Z. Hendley, tax collector of Henry County, Alabama, and to refund to him the sum of 265 and 26-100 dollars erroneously paid by him into the State treasury.

Whereas, In the assessment list of Henry county, Alabama, for the year 1896, there was an error in the total additions of said list, which error was not discovered by J. Z. Hendley, the tax collector of said county, until after the term of the Court of County Commissioners, where said error could have been corrected; and,

Whereas, The said J. Z. Hendley, as such tax collector, paid into the State treasury, on account of said error, the sum of two hundred and three and 85-100 dollars; and,

Whereas, W. S. White, as auditor of the State of Alabama, ordered the judge of probate of Henry county not to grant decrees to sell lands for taxes where said lands were imperfectly described by the assessor; and,

Whereas, Said tax collector made application to said judge of probate for decrees to sell lands for taxes that had been imperfectly described by the assessor, and the said judge of probate in compliance with said order of said auditor refused to grant said decrees, and the time having elapsed when the said tax Collector could have been credited with the several amounts for imperfectly described lands by the Court of County Commissioners, and the sum of forty-six dollars and forty-one cents was paid by said tax collector into the State treasury of Alabama, on account of said imperfectly described lands; and,

Whereas, The further sum of fifteen dollars was paid by said tax collector or into the said State treasury for poll taxes, assessed with said imperfectly described lands; and,

Whereas, The various items erroneously paid into said State treasury by said tax collector aggre-

gates the sum of two hundred and sixty-five dollars and twenty-six cents; therefore,

Appropriation Section 1. Be it enacted by the General Assembly of Alabama, That the sum of two hundred and sixty-five and 26-100 dollars (\$265.26) be, and the same is, hereby appropriated out of any money in the State treasury not otherwise appropriated, for the reimbursement of the said J. Z. Hendley, and the auditor of the State is hereby authorized and required to draw his warrant on the State treasurer for the sum of two hundred and sixty-five and 26-100 dollars (\$265.26) in favor of J. Z. Hendley, tax collector of Henry county, Alabama, in full satisfaction for money erroneously paid by him into the State treasury on account of the various items set out in the foregoing preamble.

Approved February 9th, 1899.

No. 383)

AN ACT

(H. 1029

To amend Sections 12 and 15 of an act, entitled "An act to provide a new charter for the City of Tuscombua," approved February 28th, 1887.

Section 12
amended

Duties of
mayor

Salaries

Section 1. Be it enacted by the General Assembly of Alabama, That Section 12 of an act entitled "An act to provide a new charter for the City of Tuscombua," approved February 28th, 1887, be amended, so as to read as follows: "Sec. 12. Be it further enacted, That it shall be the duty of the mayor to preside and keep order at the meeting of the board. He shall call special meetings of the board whenever, in his opinion, the interest of the city requires it. He shall keep an office in said city and hear and determine all cases of violation of all by-laws and ordinances, and punish the offenders in such manner as the board of mayor and aldermen may direct. He and the aldermen shall receive such salaries, not to exceed three hundred dollars for the mayor, nor twenty-five dollars each for the aldermen, as may be prescribed by the

board; and the mayor shall possess within the corporate limits of said city all the powers and jurisdiction of a justice of the peace, in both criminal and civil cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace. From any judgment or decision of said mayor as such, an appeal may be taken by the defendant to the next term of the Circuit Court of Colbert county, upon the defendant entering into bond, with security, payable to the City of Tusculumbia, in such sum as the mayor may require, conditioned to prosecute such appeal to effect and pay and discharge such judgment as the Circuit Court may render: Provided, Said appeal shall be taken within five days from the rendition of such judgment by the mayor. The said appeal, when so taken, shall be tried and determined de novo, and the defendant shall be entitled to a trial by jury."

Powers

Appeals

Sec. 2. Be it further enacted, That Section 15 of said act be amended, so as to read as follows: "Sec. 15. Be it further enacted, That said board of mayor and aldermen shall have authority to require all male inhabitants of said corporation who have resided therein ten days, and who are between the ages of eighteen and forty-five years, to work upon the streets of said city for at least five days in each year, under the direction of such officers as the city may appoint: Provided, That any person so required to work may relieve himself from so working by paying into the city treasury the sum of three dollars and fifty cents; all moneys so paid in to be applied exclusively to the improvement of the streets; provided, further, that the male inhabitants of said city shall be exempt from working on roads and highways outside of said city limits; provided, further, that no male inhabitant of said city (save ministers of the gospel) between the ages of eighteen and forty-five years, shall be exempt from the operations of this section."

Section 15
amendedWork on
streets

Street tax

Approved February 9th, 1899.

No. 384)

AN ACT

(H. 1079)

To amend Sections 6, 8, 9 and 14 of an act, entitled "An act to authorize Jackson County to build macadamized roads and to build bridges and to issue bonds of the county to aid in the construction and building thereof," approved December 7th, 1898.

Section 6
amended

Section 1. Be it enacted by the General Assembly of Alabama, That Section 6 of an act, entitled "An act to authorize Jackson county to build macadamized roads and to build bridges, and to issue bonds of the county to aid in the construction and building thereof," approved December 7th, 1898, be, and the same is, hereby amended, so as to read as follows: "Be it further enacted, That immediately after the completion of the location and surveying of said roads, or any one of said roads within their discretion, the said road commissioners shall offer so much, or all, to the lowest responsible bidder, so many miles of road, not less than one or more than thirty miles, to be built by any one contractor, who shall be required to give a good and sufficient bond, payable to Jackson county, in the sum of the amount of such bid, for the faithful performance of his said contract; and said bonds may be made through any lawfully authorized guarantee or surety company doing business in this State, and all official bonds to be approved by the said road commissioners. Said commissioners are required to give notice, by posting notices in every precinct in said county, and by advertising in some newspaper for sixty days, that the contracts are to be made for having said roads built, with a description of each mile or miles to be built; and, if after said time, any portion of said roads has not been bid for, the commissioners may proceed to build, or have built, such portion, and in such manner as, in their judgment, seems best and proper, and if any bidder whose offer to build any

part of any road is, in the judgment of said commissioners, wholly unreasonable and too high, they may reject said bid, and proceed to build said roads as they may deem proper, contracting with persons from any place out of the county, or by constructing according to their best judgment; provided, said road commissioners shall, at all events, construct, or cause to be constructed, the said roads, and complete the same within two years from the first day of July, eighteen hundred and ninety-nine, and no commissioner, under provisions of this act, shall become a contractor to construct any part of said roads."

Sec. 2. Be it further enacted, That Section 8 of said act be amended, so as to read as follows: "That said commissioners appointed under this act, shall be entitled to compensation as follows, and shall be known as president, and shall receive per diem three dollars; the other four, two and one-half each for time actually engaged in their said work in whatsoever manner; and the president shall become custodian of the moneys arising as provided for hereinafter in this act, and shall pay any and all contracts made by said board and for all money coming into his hands, shall receive one-eighth of one per cent. for handling same; and said president shall be required to give a good and sufficient bond in the sum of twenty-five thousand dollars, payable to Jackson county, said bond to be conditioned as bonds of county treasurer are now provided by law with respect to money coming into his possession; and said president and other members of said board shall execute a bond payable to Jackson county in the sum of one thousand dollars for the faithful performance of their duty. Said bonds mentioned in this section shall be approved by the judge of probate of said county; provided further, said commissioners shall receive their compensation out of the money arising under the provisions of this act; and said president of said board of commissioners shall keep a record of all money coming into his hands, showing the amount paid to the commissioners and the amount

Section 8
amended

retained himself, and all money disbursed by him, and shall show all the business directed under the provisions of this act; and said record shall be kept in the office of the judge of probate."

Section 9
amended

Sec. 3. Be it further enacted, That Section 9 of said act be amended, so as to read as follows: "That the said road commissioners shall be appointed by the governor within thirty days after the passage of this act, who shall be a resident citizen of Jackson county. Vacancies shall be filled in like manner; provided further, one of said commissioners shall be designated as president; and it shall be the duty of the board of road commissioners for the County of Jackson to call a meeting of said board once in three months, for the purpose of transacting such business as may come before said board necessary to the faithful discharge of their duties in carrying out the intentions of said bill. The president, by and with the consent of a majority of said board, may employ a suitable agent to negotiate a sale of the bonds mentioned in said act; and said road commissioners shall have the right and authority to sell the bonds in the manner provided in said bill, and for the said County of Jackson; but said bonds shall be signed and sealed as provided in said act, approved December the seventh, eighteen hundred and ninety-eight; and the president and members of said board shall make a full report to the Court of County Commissioners once a quarter, and shall settle with said Court of County Commissioners once every six months, until said board of road commissioners have completed the work for which said board was constructed."

Section 14
amended

Sec. 4. Be it further enacted, That Section 14 of said act be amended, so as to read as follows: "That said bonds shall only be issued and sold from time to time, as the demand for the payment of the construction and building of said roads and bridges may require; provided, further, no greater sum of money than twenty-five thousand dollars arising from the sale of said bonds shall be, by the Commissioners Court, placed in the hands of

the said custodian of the funds arising from this act at any one time, and said custodian may receive said sum at any one time, when he shall have shown to the Court of County Commissioners that he has disposed of the sum paid to him, and in like manner shall be entitled to receive said sum from time to time.

Approved February 9th, 1899.

No. 385)

AN ACT

(H. 516

To provide for the opening and cleaning out of drains, creeks, branches, ditches or water courses in Perry County.

Section 1. Be it enacted by the General Assembly of Alabama, That if any owner or holder of land, in or upon which there is any drain, creek, branch, ditch or water course, in which water is wont to flow from lands held or owned by another, shall, after reasonable time, upon the written demand, or request, of such other person, fail or refuse to keep cleaned out or opened, to the full extent of the usual or natural flow thereof, to the injury of such other person, such water course or way, then such other holder or owner of land from whose lands may empty or flow such named water course or way, may enter upon the lands of such holder or owner of land so failing or refusing, and clean out and open up such named water course or way, to the full extent of the usual or natural flow thereof, being liable for any damage done: Provided, The provisions of this act shall only apply to Perry county.

Cleaning out
of creeks,
etc

Approved February 9th, 1899.

No. 386)

AN ACT

(H. 701

To relieve Kate Heard, wife of W. H. Heard, of Tallapoosa County, Alabama, of the disabilities of non-age.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That Kate Heard, wife of W. H. Heard, a minor seventeen years of age be, and she is hereby relieved from the disabilities of non-age, and is hereby vested with the right to sue and be sued, to contract and be contracted with, to sell and convey real and personal property and generally to do and perform all such acts which such minor could lawfully do if twenty-one years of age.

Approved February 9th, 1899.

No. 387)

AN ACT

(H. 1032

To amend Section 3 of an act entitled "An act to amend Sections 5, 9 and 10 of an act entitled 'An act to provide a new charter for the City of Tusculumbia,'" approved February 28th, 1887.

Powers of
mayor and
aldermen

Section 1. Be it enacted by the General Assembly of Alabama, That Section 3 of an act entitled "An act to amend Sections 5, 9 and 10 of an act entitled 'An act to provide a new charter for the City of Tusculumbia,'" approved February 28th, 1887, be amended so as to read as follows: Sec. 3. Be it further enacted, That the board of mayor and aldermen of said city shall have the power to elect such officers, agents or employes as they may think necessary for the good government of said city, and to carry out the power herein granted, and may prescribe the duties, liabilities and powers of such officers, also the city clerk or secretary, city treasurer and city marshal, agents and employes, and may require them to give bond in such sums as they see fit, for the faithful discharge of

their duties, and may remove and discharge any of the officers, agents and employes appointed by them at pleasure, and may suspend or discharge said city clerk, or secretary, city marshal and treasurer for incompetency or failure to perform the duties prescribed by said board of mayor and aldermen, and they may fix the salaries and compensation of all officers, agents and employes of said city: Provided, That if the treasurer is an officer or employe of any bank or banker, he shall not receive any salary or other compensation for his services as treasurer. For any breach of the bond of any city officer, agent or employe, suit may be brought in the Circuit Court of Colbert county, Alabama, or before any Court having jurisdiction, and such suit shall be governed in the same manner as other like suits. The city shall keep a record of all proceedings, orders, regulations, resolutions and ordinances of the City of Tuscumbia, which shall be read to the board of mayor and aldermen and signed by the mayor or acting mayor when approved by the board, and the same shall have the force and effect of a record, and a copy thereof certified by the clerk or secretary, shall be prima facie evidence in any Court of record or elsewhere, and said record shall be at all times open for inspection. The mayor and aldermen shall prepare and file in the office of the judge of probate of Colbert county for public inspection on the 1st of January of each year an itemized statement of the receipts, from all sources and disbursements for the previous year.

Powers of
mayor and
aldermen

Approved February 9th, 1899.

No. 388)

AN ACT

(H. 469

To provide for the creation of the office of Chief Supervisor of Public Roads and Bridges in Jefferson County; to define the powers and duties thereof, the manner of appointment; and to improve the system of making and constructing said roads and bridges.

Governor to
appoint

Term

Compensation

Section 1. Be it enacted by the General Assembly of Alabama, That the office of chief supervisor of public roads and bridges of Jefferson county, be and the same is hereby created. That within ten days from the passage and approval of this act, the governor shall appoint a person competent and practical to perform the duties of said office as hereinafter set forth. Said supervisor shall hold office until August election for the county officials is held in the year 1902, when his successor shall be elected as other county officers are elected, and his compensation for all services and expenses shall be fifteen hundred dollars per annum, payable monthly out of the road fund of the county.

Authority of
supervisor

Sec. 2. Be it further enacted, That said supervisor shall assume the same control and authority over said roads and bridges as the county commissioners now have, and said control and authority over said roads and bridges as now rests with said county commissioners, is hereby transferred to said supervisor, except in the case of opening new roads, the county commissioners shall consider petitions, appoint viewers and grant new roads as heretofore.

Overseers and
apportioners

Sec. 3. Be it further enacted, That all duties heretofore required of overseers and apportioners by the county commissioners shall be required of said overseers and apportioners by said supervisor and by him enforced.

Overseers

Sec. 4. Be it further enacted, That said supervisor shall, within thirty days after his appointment, appoint not more than eight competent overseers for the county defining the district over which

each shall have control, whose salaries shall be two dollars per day for each day he is engaged at work under the discretion of said supervisor, and said overseer shall take charge of all tools, wagons and other property that may be delivered him by the supervisor, and direct and oversee all laborers in the execution of the work on the roads and bridges in his district.

Sec. 5. Be it further enacted, That said supervisor shall be required to give a good and reliable bond in the sum of four thousand dollars for the faithful performance of his duties, the same to be passed upon and approved by the probate judge; and he shall be empowered to buy mules, tools and road machinery for the use of the district overseers, or to hire the same by written contract as may seem most practical; and it shall be the duty of said supervisor to hire such labor as may be necessary to manage and work the forces of the various district overseers. Said hands to be paid monthly out of the road fund upon the district overseer furnishing to supervisor a sworn statement of the amount due them, the same to be examined by him and if, in his opinion, correct, he shall endorse and turn over same to the county commissioners or board of revenue, whom shall likewise pass upon it, and if approved, they shall cause a warrant to be made out upon the county treasurer, payable out of the road fund to said supervisor, who, in turn shall pay the proceeds thereof to the rightful owners.

Bond of
supervisor

Duties

Sec. 6. Be it further enacted, That said supervisor shall direct the overseers in each district when he shall commence work on the roads and bridges in such district, and how many hands shall be employed, and how many days he shall employ himself, and such laborers in such work, and the work that shall be done, and he shall supervise such work and approve no accounts for the payment of such work or the overseers or laborers or for any material used therein until he shall have inspected the same, and in the approval of all accounts he shall certify, under oath, that such inspection has been made.

Duties

Authority to
make con-
tracts

Sec. 7. Be it further enacted, That said supervisor shall have the authority to make special contracts for the replacing of any bridges or the repair of the same, or mending the roads, upon the recommendation of the overseer of such district, when such work is of no considerable expense and should be done without delay, and he shall reduce all such contracts to writing and return the same to the Commissioners Court with an itemized and sworn account of the work done and labor and material furnished in carrying out such contracts.

Road
defaulters

Sec. 8. Be it further enacted, That every receiver of road funds shall furnish to the chief supervisor and to the district overseer on or before the 15th of March, 1899, and annually thereafter on said day, a list of all road defaulters who have failed to pay on or before March the 10th, the road tax as required by law, and the district overseer shall furnish to supervisor and receiver of road funds, immediately after the working of roads in his precinct, a list of all who failed to work whereupon said receiver of road funds shall proceed to prosecute said defaulters as required by law.

Unlawful

Sec. 9. Be it further enacted, That it shall be unlawful for the supervisor or any overseer to furnish any material, wagons or mules or horses directly or indirectly, for road purposes or work or use thereon.

Road year

Repeal

Sec. 10. Be it further enacted, That the road year is hereby made to begin and end on the 10th day of March of each year. All laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved February 9th, 1899.

No. 389)

AN ACT

(S. 351

To change and define the line between the Counties of Calhoun and Etowah, Alabama.

Line

Section 1. Be it enacted by the General Assembly of Alabama, That the line between the counties of Calhoun and Etowah be changed as fol-

lows: Beginning at a point on top of Calvin Mountain, where said county line touches the western boundary line of Township 12, Range 8, and running in an easterly direction along the top of said Calvin Mountain to where the present county line next touches the top of said Calvin Mountain, so as to include in Etowah county all that part of Township 12, Range 8, lying north of the top of said Calvin Mountain.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed. Repeal

Approved February 10th, 1899.

No. 390)

AN ACT

(S. 267

To relieve Leigh Pegues of Wilcox County, Alabama, a minor, seventeen years of age, of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That Leigh Pegues, a minor, seventeen years of age, be, and is hereby relieved from the disabilities of non-age. and is hereby vested with the right to sue and be sued, contract and be contracted with, to buy, sell and convey real and personal property, and generally to do and perform all acts which such minor could do, if twenty-one years of age. Relief

Approved February 9th, 1899.

No. 391)

AN ACT

(S. 385

To amend Section 2474 of the Code, in so far as the same applies to Barbour County.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 2474 of the Code, in so far as the same applies to Barbour county be Code, Section
2474
amended

amended so as to make it read as follows: Contract for mile posts and sign boards. The overseers may make contracts for making and painting mile posts and direction boards, the amount for which being verified by affidavit and certified by overseer, must be paid out of the county treasury, provided the overseer has instructions to make such contracts from the board of revenue.

Approved February 9th, 1899.

No. 392) AN ACT (S. 126

To declare Robert Donald, a liner between the Counties of Butler and Wilcox, a citizen of Wilcox County.

Citizen of
Wilcox Section 1. Be it enacted by the General Assembly of Alabama, That Robert Donald, who resides in Butler county, at or near the line between Butler and Wilcox counties, be, and he is hereby declared, a citizen of Wilcox county.

Approved February 9th, 1899.

No. 393) AN ACT (S. 360

To prohibit the running at large of certain animals within one-half mile of the court house at Double Springs, Winston County.

Stock not to
run at large Section 1. Be it enacted by the General Assembly of Alabama, That hereafter it shall be unlawful for the owner, keeper or person having charge of any horse, mule or ass to knowingly allow such animal to run at large within one-half mile of the county court house at Double Springs, in Winston county.

Penalty Sec. 2. Be it further enacted, That any person violating this act shall be guilty of a misdemeanor and, on conviction, shall be fined not less than five nor more than one hundred dollars.

Approved February 9th, 1899.

No. 394)

AN ACT

(S. 219

To confirm the incorporation of the Harmony Club, Selma, Alabama; and to enlarge the powers and capacity of said club.

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the Harmony Club of Selma, Ala., had under the General Statutes of the State of Alabama, be, and the same is hereby confirmed, and the said club shall hereafter be known as the Harmony Club of Selma, Ala., and by that name it may sue and be sued, and enjoy all the rights, privileges and franchises, and exercise all the powers conferred by the General Statutes under which it was originally incorporated, and by this act and by General Laws, relating to the incorporations of this kind, and all acts done by the said club under its said name of the Harmony Club, so far as the same were authorized by law, be, and the same are hereby, confirmed.

Incorporation
confirmed

Sec. 2. Be it further enacted, That said club shall have full power and authority to adopt such constitution and by-laws, not inconsistent with law, as may be necessary or proper for the selection of officers or agents, and their terms of office, the number, reception, and expulsion or suspension of members, the regulation of fees and dues, and the collection thereof and generally to the government of the club and the management of its business, and to amend or change the same: Provided, however, That the constitution, by-laws, and regulations of said club now of force shall continue of force until the same are repealed, altered or amended.

Power and
authority

Sec. 3. Be it further enacted, That the said club shall have power and authority in addition to those already conferred upon it, to lease and purchase real estate and buildings, and to erect such buildings as may be necessary and proper for its own use, to acquire and hold such personal property as

Power and
authority

said club may see proper to acquire and hold, to operate or contract for a restaurant to be operated; to provide for and dispose of to its members cigars, cigarettes, tobacco, spirituous, vinous or malt liquors, and such disposition shall not constitute a sale thereof, but shall be held and treated as a consumption by such members of their own property, to acquire and operate for the exclusive use of its members, billiard and pool tables, and gymnasiums, and the rooms and apartments of said club shall be the private apartments of its members, and shall not for any purpose be held or treated as a public place; and to borrow money and to secure the same by bonds and mortgages: Provided, however, That no indebtedness shall be created other than for current expenses, except by consent of two-thirds of the members of the club given at a regular meeting, or at a meeting called for that purpose, of which meeting, and of the time and place of holding the same, and the purpose for which it is called, 30 days notice must be given to each member who is at the time in the City of Selma, and whose place of residence is known.

Bonds

Sec. 4. Be it further enacted, That the said club shall have power to ratify and confirm the issue of any bonds or other indebtedness heretofore made or contracted by said club at any regular meeting heretofore convened, or at any special meeting called for that purpose, but if it be a special meeting, thirty days notice of such meeting, and of the time and place of holding the same, and of the purpose for which it is called, shall be posted in the reading room of the club, and shall also be sent by mail, or served personally, upon each member who is in the City of Selma and whose residence is known. At such meeting, whether regular or special, if a majority of the members present shall vote for a ratification of such issue of bonds or such indebtedness, the same shall then be binding upon said club as fully as if said club had originally the power to issue bonds or contract such indebtedness.

Sec. 5. Be it further enacted, That the term "member" as used in this act, when used in re-

spect to the power or authority of the club to borrow money and execute bonds and mortgages, and to ratify any issue of bonds or other indebtedness heretofore made, or incurred, shall not be construed to mean honorary or non-resident members, and the club shall have the right and power to prescribe the powers, rights and privileges of all honorary or non-resident members.

Definition of member

Approved February 10th, 1899.

No. 396)

AN ACT

(S. 339

To incorporate The Union Savings Bank and Trust Company.

Section 1. Be it enacted by the General Assembly of Alabama, That B. J. Baldwin, Jacob Greil and W. L. Martin, their associates, successors and assigns, be, and they are hereby, incorporated under the name of the Union Savings Bank and Trust Company, and may be sued, have a common seal, which they may alter or change at pleasure, and said corporation is hereby invested with all the rights, powers, privileges, and immunities which are generally incident to private corporations, and such further powers as are hereinafter granted.

Incorporators

Name

Rights

Sec. 2. Be it further enacted, That the capital stock of said corporation shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, and that said corporation may increase its capital stock from time to time to five hundred thousand dollars by the consent of the persons holding the larger amount in value of stock first obtained at a meeting to be held after thirty days notice thereof by advertisement in some newspaper published in the City of Montgomery, Alabama, but its stockholders shall have the preference in taking such increased stock.

Capital stock

Sec. 3. Be it further enacted, That in all meetings of stockholders each share of stock shall be entitled to one vote, which may be represented in person or by proxy.

Vote

Offices

Sec. 4. Be it further enacted, That said corporation may establish its principal office in any town or city within the State of Alabama, and branch offices any where at its pleasure.

Rights

Sec. 5. Be it further enacted, That said corporation shall have the right and is hereby authorized to buy, sell, hold and mortgage real and personal property; to loan money on real estate, personal property, or other security; to purchase, sell and hypothecate stocks, bonds and mortgages and deeds of trust; to purchase and sell United States government, state and municipal bonds, the bonds and stocks of other corporations, and other securities; to buy, sell and rent real estate, personal property and other securities on commission; to negotiate loans and to guarantee the payment of the principal or interest thereof, and one or both if desired; to issue bills of exchange, foreign or domestic; to discount, buy, sell, hypothecate and collect bills of exchange, promissory notes or other evidences of debt, or bonds or securities or choses in action; to buy, sell, and hypothecate gold and silver bullion and coin; to receive and pay out deposits of money with or without interest, or other things of value; to endorse and become surety for individuals, firms and corporations who may negotiate loans through it; to accept and execute such trusts as may be committed to it by individuals, corporations or courts.

Deposits

Sec. 6. Be it further enacted, That said corporation shall have the power and is hereby authorized to take, accept and hold on deposit or for safe keeping any and all moneys, bonds, stocks, or other securities or personal property whatsoever which any State, county, city or town officer, or any officer in any corporation, public or private, or private person, who shall be authorized or required by law or otherwise to deposit in bank or other deposit and shall receive such compensation therefor as may be agreed upon or as is allowed by law.

Powers

Sec. 7. Be it further enacted, That said corporation shall have the power, and is hereby authorized, to make abstracts of title, to make insurance of

every kind pertaining to or connected with real estate, and to make, execute and perfect such and so many contracts, agreements, policies and other instruments as may be required therefor.

Sec. 8. Be it further enacted, That said corporation shall have the power, and is hereby authorized, to act as the agent of fire, marine and life insurance companies, other corporations, municipalities, States, firms and individuals, as fully and completely as individuals and upon such terms and subject to such restrictions as shall be agreed upon. Act as agent

Sec. 9. Be it further enacted, That said corporation may be appointed and may act as guardian for infants and lunatics, as executor, administrator, as receiver, assignee, or other trustee, whether appointed by deed, last will and testament, by any Court within this State, by any person, or in any other manner not inconsistent with law. It may receive and hold in trust, real estate, personal and mixed, including notes, bonds, obligations and accounts of estates and individuals, of companies or corporations, private or public; and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same in this State or elsewhere; it may act as agent or attorney in leasing, conveying and managing real and personal estate; receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stock, bonds or other obligations of any person, corporation or municipality, State or other public authority; and may receive and manage any sinking fund therefor, and may accept, execute and guarantee all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person or persons, corporation, or by any Court of record of this or any other State. May act as guardian, etc

Sec. 10. Be it further enacted, That for the faithful performance and discharge of any such trust, duty, obligation, or service so imposed upon, conferred and accepted by said corporation it shall be entitled to ask, demand and receive such reasonable Compensation

compensation therefor as the same shall be worth, or such compensation as may have been or may be fixed by the contract or agreement of the parties, as well as any and all advances necessarily paid out and expended in the discharge and performance thereof, and to charge legal interest on such advances, and any compensation or commission paid or agreed to be paid for the negotiation or security of any loan or the execution of any trust of said corporation shall not be deemed interest within the meaning of any law of this State, and such compensation may embrace the employment of legal service when necessary for the protection of the trust.

Orders of court Sec. 11. Be it further enacted, That said corporation shall be subject at all times to the further orders, judgments and decrees of any Court of record from which it shall have accepted any trust, appointment or commission as to such trust and shall render to such Court such itemized and verified accounts, statements and reports that may be required by law, or as such Court shall order in relation to such particular trust.

Capital stock and security Sect. 12. Be it further enacted, That the capital stock of said company shall be taken and considered as the security required by law for the faithful performance of its duties, and other security shall not be required upon its appointment to any offices or duties mentioned herein, except when required by the Courts or parties interested; but any Court having jurisdiction to make or approve such appointments, shall have power before making or approving the same, and at any time thereafter, to examine the officers of said company under oath or affirmation as to the security aforesaid, and the amount and extent of its liabilities and assets.

Debenture bonds Sec. 13. Be it further enacted, That said corporation shall have the power and authority to issue debenture bonds, at such times, in such series, classes and denominations, and bearing such interest, not exceeding eight per cent., as it may seem best to the board of directors, the same to be se-

cured by first mortgage on such of its property as it may elect to pledge as security for such bonds or evidences of indebtedness, and said debentures shall run for such term of years as the board of directors may determine, not exceeding ten years.

Sec. 14. Be it further enacted, That said corporation shall execute such contracts, agreements and arrangements and exercise all the powers that may be necessary and convenient, directly or remotely to promote and carry out the corporate purposes as herein declared and conferred.

Execute
contracts

Sec. 15. Be it further enacted, That the board of incorporators of said company named in the first section of this act, or a majority thereof, may open books of subscription to the capital stock thereof, and keep them open from time to time, until all of the capital stock of said company is taken by bona fide subscribers; and when fifty per cent. of said stock has been subscribed and at least twenty per centum thereof has been paid to such members of said board of incorporators as a majority thereof may determine, the incorporators above named, or any of them or of their successors or assigns, may call the subscribers together for the purpose of organization, who shall thereupon elect a board of directors, of not less than five nor more than nine, who shall exercise the powers of said corporation and shall serve for the next ensuing twelve months; and until their successors are elected and qualified, and to adopt such by-laws, not inconsistent with the laws of the State of Alabama, as may be necessary for the government of said company. The board of directors, when elected, shall elect a president, vice president, secretary and treasurer and such other officers as may be necessary for the proper conduct of the affairs of said corporation.

Subscription

Organization

Officers

Approved February 10th, 1899.

No. 397)

AN ACT

(S. 240)

To authorize the Judge of the City Court of Montgomery to limit the time within which bills of exceptions may be prescribed in criminal cases in said Court.

Bills of
exceptions

Section 1. Be it enacted by the General Assembly of Alabama, That the judge of the City Court of Montgomery is authorized to limit the time within which bills of exceptions reserved in criminal cases shall be furnished to him for signature, such order shall be made by the judge of said Court upon the minutes of said Court, and the time allowed shall not be less than ten days from the day on which such order is made, and no bill of exceptions shall be allowed unless presented within the time limited in said order in the event such order is made.

Approved February 9th, 1899.

No. 398)

AN ACT

(S. 291)

To regulate the sale of grape wine in Beats 2 and 17, Walker County, Alabama.

License

Section 1. Be it enacted by the General Assembly of Alabama, That any person who wishes to engage in or carry on the business of selling grape wine, at wholesale in beats 2 and 17, Walker county, Alabama, may obtain a license to do so by paying for the use of the State the sum of one hundred dollars, and for the use of the County of Walker, fifty dollars.

Duty of probate judge

Sec. 2. Be it further enacted, That on the payment of said sum of one hundred and fifty dollars to the probate judge of Walker county, as above provided, it shall be the duty of said probate judge to forthwith issue the license to the persons paying the license fee to engage in or carry on the busi-

ness of selling grape wine at wholesale in beats 2 and 17, Walker county, Alabama.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed. Repeal

Approved February 9th, 1899.

No. 399)

AN ACT

§. 284

To regulate the fine and forfeiture fund of Walker County and the disposal of moneys arising from fines, forfeitures and convict labor.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the Court of County Commissioners of Walker county to give notice by advertisement in some newspaper published in the county, and also by posting a notice at the court house, notifying all persons holding claims unregistered and entitled to registration as now provided by law against the fine and forfeiture fund of said county to register the same with the county treasurer within ninety days after the first insertion of said advertisement, and if not so registered, said claims shall be forever barred, and all claims hereafter accruing against said fund must be registered within sixty days, or be forever barred.

Duty of county commissioners

Sec. 2. Be it further enacted, That hereafter during the term of the Circuit Court of Walker county, no one but the clerk of such Court shall be authorized to collect the fines, forfeitures and cost in State cases, during such term the payment of which must be entered upon his trial docket and upon the minutes of such Court, except such cases as are sentenced to hard labor for the county. They are to be collected from the contractor of the county convicts by the sheriff or hard labor agent of said county.

Authority to collect

Sec. 3. Be it further enacted, That it shall be the duty of the clerk to furnish the Court of

Duties of circuit clerk

County Commissioners of said county, at the regular meetings of said Court in February and August, a statement of all State cases disposed of at such terms, and how disposed of, and within twenty days after each term of such Court shall render to the county treasurer a list of the cases upon which costs were collected at such term, stating the kind of funds collected in each case, and shall then and there pay over the same to the county treasurer, and said list must be verified by affidavit, and it shall be the duty of the clerk to render to the county treasurer quarterly a list of the cases in the County Court upon which costs were collected, stating the kind of funds collected in each case, and shall then and there pay over the same to the county treasurer, and said list must be verified by affidavit.

Damage

Sec. 4. Be it further enacted, that such clerk failing to pay all money collected by him belonging to the fine and forfeiture fund, as required in Section three (3) of this act, shall be liable to five per centum monthly damages for each and every month of such failure.

Annual appropriation

Sec. 5. Be it further enacted, That from and after the passage of this act the Court of County Commissioners of Walker county shall appropriate annually out of the general fund of said county the sum of two thousand dollars, to be used in compromising and retiring claims against the fine and forfeiture fund of said county, which sum so appropriated shall be subject to the order of said Court of County Commissioners, and shall be paid out by the treasurer of said county, only upon the order of said Commissioners Court.

Advertise for sealed bids

Sec. 6. Be it further enacted, That it shall be the duty of the Court of County Commissioners of said county, on any day of the regular term in February and August, each year, if there are funds in said fine and forfeiture fund, authorizing the same to advertise for three successive weeks previously in some newspaper published in the county, notifying all persons holding registered claims against said fund, that sealed bids will be received

until 12 o'clock of the first day of said Court, and shall state in said advertisement the amount of the fund on hand and the amount of registered claims against said fund outstanding and unpaid, and the money shall be awarded to the bidders who propose to accept payment in full of their claims against said fund at the highest rate of discount: Provided, That said Commissioners Court shall have the power to accept or reject any and all bids made as their discretion may dictate, and should there be two or more bidders at the same rate of discount acceptable to said Court, and the funds are not sufficient to pay all of them, the money shall be awarded to such claims in the order of their registration, beginning with the oldest, when the biddings are closed, and the money awarded, the probate judge, under the direction of the Court of County Commissioners, shall issue warrants upon said fund, to the persons entitled thereto, upon receipt and surrender of their claims or a proper voucher, and said probate judge shall immediately deliver said claims or vouchers to the county treasurer, whose duty it shall be to cancel said claims on the book of registration, and he also shall file the said claims or vouchers away in his office for future reference.

Money
awarded

Duties of pro-
bate judge

Sec. 7. Be it further enacted, That after the passage of this act all fines and forfeitures and hire of convicts or anything pertaining to said fine and forfeiture fund shall be paid only in lawful currency of the United States, and in nothing else, and all moneys which accrue to said fund in said county and which may be collected by any sheriff, clerk, judge of probate, notary public, justice of the peace, constable, coroner or other officer, shall be paid to the county treasurer and any officer who collects any such moneys and wilfully fails for more than sixty days to pay the same to the county treasurer shall be guilty of a misdemeanor, and when said moneys are so paid into the treasury the county treasurer shall apply the same to the payment of the oldest registered claims against the fine and forfeiture fund in the order of their registration.

Payment of
collections

Misdemeanor

Duties of
treasurer

Claims on
same footing

Sec. 8. Be it further enacted, That under the provisions of this act all claims against the fine and forfeiture fund of said county, both State witness tickets and officers fees or otherwise, shall stand on the same footing.

Repeal

Sec. 9. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved February 10th, 1899.

No. 400)

AN ACT

(S. 320

To regulate the fees of the sheriff, and clerk of the Circuit Court of Lawrence County, for ex-officio services.

Ex-officio
services

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act the sheriff of Lawrence county shall be paid for ex-officio services the sum of four hundred and forty dollars, and the clerk of the Circuit Court of Lawrence county shall be paid three hundred dollars and in manner as now prescribed by law.

Approved February 15th, 1899.

No. 401)

AN ACT

(S. 259

To appoint a jury commission for the County of Cleburne and to prescribe their duties.

Jury commis-
sion

Section 1. Be it enacted by the General Assembly of Alabama, That there shall be a jury commission consisting of four members, for the County of Cleburne, to be appointed by the governor of Alabama, whose term of office shall be six years, and until their successors are appointed and qualified.

Sec. 2. Be it further enacted, That the first jury commission under this act for said county shall be appointed by the governor within twenty days after the passage of this act.

Governor to
appoint in
twenty
days

Sec. 3. Be it further enacted, That before entering upon the discharge of their duties as such jury commissioners, each of said commissioners shall take and subscribe the same oath required by law of public officers in this State.

Oath

Sec. 4. Be it further enacted, That it shall be the duty of said jury commissioners to draw all juries for all Courts in said county of Cleburne, for which juries are required to be drawn, in the same manner and under the same regulations as now provided by law for the drawing of such juries by the county commissioners of said county; and they shall perform all the duties in regard to drawing juries now required of the county commissioners of said county.

Duties

Sec. 5. Be it further enacted, That said jury commission shall, within thirty days after their appointment, meet at the court house of said county, and revise the jury box of said county as now provided by law for revising same, and shall immediately after such revision draw therefrom grand and petit jurors for the remaining terms for said year of any Court of said county in which a jury is required by law. Such drawing to be done in all respects as now provided to be done by the county commissioners, and the juries thus drawn shall be the juries for such Courts respectively at any subsequent term in said year.

Drawing of
jurors

Sec. 6. Be it further enacted, That said jury commissioners shall receive the same compensation as now provided by law for the county commissioners when performing such services.

Compensation

Sec. 7. Be it further enacted, That all laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Repeal

Approved February 10th, 1899.

No. 402)

AN ACT

(H. 843

To establish a separate school district to be known as the Spring Valley School District in Colbert County.

School district Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district, to be known as the Spring Valley school district in Colbert county, Alabama, be established to be subject to the laws of the State of Alabama, out of the following sections: Sections 25 and 36, in Township 4, Range 11; Sections 29, 30, 31 and 32, in Township 4, Range 10; Section 1, in Township 5, Range 11; also Sections 5 and 6, in Township 5, Range 10.

School funds Sec. 2. Be it further enacted, That the said school district shall receive its proportionate share of the public school revenue of said townships and sections, including a pro rata share of the 16th section fund, and also shall receive all the tax collected as poll tax within the limits of the territory mentioned above.

Trustees Sec. 3. Be it further enacted, That the educational affairs of the said school district shall be under similar control to that of the township districts of the State, and shall be managed by three trustees, who shall be appointed by the county superintendent of Education of Colbert county.

Duty of county superintendent Sec. 4. Be it further enacted, That the county superintendent of education of Colbert county, Alabama, shall immediately after the passage of this act appoint three trustees of said school district, who shall be householders and freeholders of said district, to hold office for the term of two years and until their successors have been duly appointed and qualified.

Approved February 10th, 1899.

No. 403)

AN ACT

(H 1063)

To prescribe the duties and fix the compensation of the Coroner of Jefferson County, Alabama, and to provide for payment of same.

Section 1. Be it enacted by the General Assem- Fees
bly of Alabama, That the coroner of Jefferson county, Alabama, shall be entitled to the following fees, to-wit: For going to and returning from the place where he holds an inquest, ten cents for each mile traveled. For holding inquest, \$5.00. For summoning jury on the inquest, \$2.00. For each subpoena issued .50. For each warrant of arrest, .50. For each bond or undertaking to court, .50. For attending post mortem examination, where no jury is summoned and returning the opinion of the surgeon or physician, \$5.00. For going to and returning from post mortem examinations, ten cents for each mile traveled. For money paid into the county treasury when found on the body of a deceased person, ten per cent. of the money found, but in no case to exceed five dollars. For all other services performed by him in cases authorized by law, the same fees that are allowed to sheriffs for similar services.

Sec. 2. Be it further enacted, That fees for hold- Costs for
ing inquest shall be itemized and sworn to by inquests
coroner and shall be paid out of the county treasury, and such fees must also be certified by the coroner to the clerk of the Criminal Court of Jefferson county, and must be taxed as costs against any person who is convicted of murder or manslaughter by killing the person on whose body the inquest is held and be collected like other costs in criminal cases, and when collected shall be paid into the county treasury.

Sec. 3. Be it further enacted, That all laws and Repeal
parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved February 10th, 1899.

No. 404)

AN ACT

(H. 659)

For the relief of J. R. Herring, of Louisville, Barbour County, and to refund to him the sum of seventy-two dollars and ninety cents, a part of the amount paid by him for license to retail liquors, which license was afterwards revoked.

Whereas, J. R. Herring, of the Town of Louisville, Barbour county, did in the month of January, 1895, pay into state treasury the sum of one hundred and twenty-five dollars, for a license to retail spirituous and vinous liquors, in said Town of Louisville, for the year 1895, but said license was revoked by the Circuit Court of Barbour county, by order made on the 22nd day of May, 1895, and, whereas, the said J. R. Herring had, previous to the issuance of said license, in good faith, as he thought, obtained the signature of a sufficient number of freeholders of said town, recommending him as a proper person to retail spirituous liquors, but afterwards it was ascertained that he had not obtained a sufficient number of signatures because certain persons, seeking to defeat his position had secretly had conveyances of real estate made to them, and,

Whereas, a proportionate part of the said license for the time for which it was revoked would amount to seventy-two dollars and ninety cents, which sum has not been refunded to him, therefore,

Appropriation Section 1. Be it enacted by the General Assembly of Alabama, That the auditor be, and he is hereby authorized and required to draw his warrant in favor of J. R. Herring, of Louisville, Barbour county, against the State treasury for the sum of seventy-two dollars and ninety cents to be paid out of any money not otherwise appropriated.

Approved February 10th, 1899.

No. 405)

AN ACT

(H. 584

To amend Section 5049 of the Criminal Code so far as the same applies to Sumter County.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 5049 of the Criminal Code, so far as the same applies to Sumter county, be amended so as to read as follows: Grand Larceny. Any person who steals any horse, mare, gelding, colt, filly, mule, jack, jenny, cow or animal of the cow kind, hog, sheep, goat or any part of any outstanding crop of corn or cotton, and any person who steals any personal property of the value of five dollars or more from the person of another, or from or in any building on fire, or which was removed in consequence of an alarm of fire or from or in any dwelling house or from or in any store house, warehouse, shop, railroad car, steamboat, ship, vessel or boat, used for carrying freights or passengers; any person who steals any personal property other than hereinbefore enumerated of the value of twenty-five dollars or more; and any person who knowingly, wilfully, and without the consent of the owner thereof enters upon the land of another and cuts and carries off any timber or rails of the value of twenty-five dollars or more, with the intent to convert the same for his own use, is guilty of grand larceny and on conviction must be imprisoned in the penitentiary for not less than one nor more than ten years.

Approved February 10th, 1899.

No. 406)

AN ACT

(H. 323

To make checks issued by persons, firms, manufactures and corporations in the County of Butler redeemable either in merchandise or money, at the option of the holder.

Section 1. Be it enacted by the General Assembly of Alabama, That all persons, firms, manufac- Form for checks

turers and corporations who issue checks to their laborers after the first day of January, 1899, shall express on the face of such checks the words "Redeemable at face value in either merchandise or money at the option of the holder;" and the legal effect of any such check shall be that the holder has the option to receive merchandise or money in payment thereof whether said words are so expressed or not upon such check.

May sue upon refusal to pay Sec. 2. Be it further enacted, That upon refusal to pay or redeem such check when payment is demanded, the payee, his executor or administrator, or any member of his family owning such check, may sue upon the same in any Court which has jurisdiction, and more checks than one may be sued on in any suit and such checks may be transferred by mere delivery to any such persons.

Transfers

Contracts

Sec. 3. Be it further enacted, That in all contracts, whether in writing or parole, made by any persons or firm or corporation or association above named, with their laborers or employes, shall be deemed and held payable in money or merchandise, at the option of the payee in such contract or his executor, administrator or any member of his family owning the same: Provided, That nothing in this act shall be construed to apply to any county other than the County of Butler.

Repeal

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Approved February 10th, 1899.

No. 407)

AN ACT

(H. 147)

To prevent the cutting and felling of trees into the water courses of Blount County.

Unlawful

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act, it shall be unlawful for any person to intentionally and willfully cut and fell trees into the water courses of Blount county.

Sec. 2. Be it further enacted, That any person violating Section 1 of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than fifty dollars in the discretion of the Court trying the case. Penalty

Sec. 3. Be it further enacted, That justices of the peace shall have jurisdiction of cases in violation of this act. Justices of
peace have
jurisdiction

Approved February 9th, 1899.

No. 408)

AN ACT

(H. 31

To establish Loachapoka School District in Lee County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district, to be known as the Loachapoka school district, be formed, with boundaries as follows: Commencing at northeast corner of Section 16, Township 19, Range 25, running west to northwest corner of Section 15, Township 19, Range 24, thence south to southwest corner of Section 10, Township 18, Range 24, thence east to southeast corner of Section 9, Township 18, Range 25, thence north to commencing point. School district

Sec. 2. Be it further enacted, That said school to be located at Loachapoka, and to be under control of the following board of trustees, and their successors in office, to-wit: G. P. Cole, H. M. Gillis, J. B. Fielder, J. O. Warren and J. H. Webb, who shall hold office for two years, or until their successors shall be elected. Trustees

Sec. 3. Be it further enacted, That the election for trustees shall be held on first Saturday in June, 1899, and every two years thereafter. None but patrons of the school shall be entitled to vote. Election

Sec. 4. Be it further enacted, That the board of trustees shall have power to appoint a district superintendent, who shall be ex-officio member of the board, and whose duties shall be same as District super-
intendent

township trustees under the school laws of the State of Alabama.

Teachers Sec. 5. Be it further enacted, That the board of trustees shall have full power to employ teachers, determine salaries, regulate rates of tuition and amount of supplement, contract with teachers to be signed by the district superintendent.

Tuition Sec. 6. Be it further enacted, That the board shall have power to fix rates of tuition for all pupils outside of the limits of the district, coming to this school.

School funds Sec. 7. Be it further enacted, That the county superintendent shall set apart to the Loachapoka school all public school funds which the district may be entitled to under the school laws of Alabama, to-wit: The pro rata of general appropriation, the sixteenth section fund and the poll tax of all whites in said district.

Repeal Sec. 8. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved February 10th, 1899.

No. 409)

AN ACT

(H 1106

For the relief of Charles E. Wilkins, late Treasurer of Baldwin County, Alabama.

Relief Section 1. Be it enacted by the General Assembly of Alabama, That all settlements and allowances made by the county commissioners of Baldwin county, Alabama, with Charles E. Wilkins, former treasurer of said county, be, and the same are hereby ratified, confirmed and legalized.

Approved February 9th, 1899.

No. 410)

AN ACT

(S. 406

To amend Section 3 of an act entitled "An act to amend Sections 5, 7, 13, 17, 31, 37, 38 and 40 of an act to establish a new city charter for Eufaula," approved February 28th, 1870, approved February 28th, 1883.

Section 1. Be it enacted by the General Assembly of Alabama, That the third section of "An act to amend Sections 5, 7, 13, 17, 31, 37, 38 and 40 of 'An act to establish a new city charter for Eufaula,' approved February 28th, 1870, approved February 28th, 1883," be amended so as to read as follows: Sec. 3. That the male inhabitants of the city shall be exempt from road duty in the county, but the streets and highways of the city shall be kept in order by the council; that the council shall have power to require each and every male inhabitant of said city, who has resided in said city for ten days, and who is able to earn a livelihood, and who is over the age of eighteen years and under the age of forty-five years, to work on the streets of said city not exceeding six days in any one year. The mode of warning persons to work on the streets is for the marshal, or some other person appointed by him, to give two days notice in person or in writing, to be left at the residence or place of abode, to all persons liable to work, to meet at such time and place, as the marshal may appoint, and any person liable to work on the streets, who shall wilfully fail or refuse, after legal notice, to work on the streets, either in person or by substitute, without sufficient excuse therefor, shall be guilty of a misdemeanor, and on conviction before the mayor shall be fined not less than three nor more than twenty-five dollars, and may also be sentenced to hard labor for the city for not exceeding thirty days, one or both, at the discretion of the mayor: Provided, That the person so liable to work on the streets may discharge such liability by paying three dollars to the city clerk.

Approved February 9th, 1899.

No. 411)

AN ACT

(S. 183)

To amend Section 4 of an act to prevent, in certain cases, the sale, exchange and transportation of cotton in the Counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wilcox, Sumter, Autauga and in beats Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Hale, and of cotton produced in said counties, approved February 1st, 1879.

Public ginners
What shall not be lawful
Proviso

Section 1. Be it enacted by the General Assembly of Alabama, That Section 4 of "An act to prevent, in certain cases, the sale, exchange and transportation of cotton in the counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wilcox, Sumter, Autauga, and in Beats Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Hale, and of cotton produced in said counties," approved February 1st, 1879, be amended so as to read as follows: That it shall not be lawful for any person who is a public ginner or who gins for pay, in the counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wilcox, Sumter and Autauga, and in beats Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Hale county, to buy, barter, or exchange for any cotton ginned at his gin, or at any gin in which he has any interest, or suffer any ginned cotton to be sold, bartered for, or exchanged on premises where such cotton is ginned: Provided, That nothing in this section contained shall be construed to apply to the cotton produced upon the premises or premise under the control or by the tenants or laborers of such public ginner, or one who gins for pay; and, provided further, that the provisions of this section shall not apply to cotton ginned by such public ginner, or one who gins for pay, when in merchantable bales and sold, bartered for, or exchanged in the usual and customary manner of selling cotton in the bale; provided further, that all prosecutions now pending in any of the courts of this State, or which may be hereafter instituted against a person who is a public ginner or one who gins for pay; for knowingly buying, bartering for

or exchanging cotton in merchantable bales, or who knowingly suffers cotton in merchantable bales to be sold, bartered for, or exchanged, on premises where such cotton is ginned, shall be abated and discontinued under authority of this act.

Approved February 10th 1899.

No. 412)

AN ACT

(S. 268)

To authorize the Board of Mayor and Aldermen of the Town of Dothan to issue and negotiate bonds of said town to an amount not exceeding fifteen thousand dollars, for the erection of a school building in said Town of Dothan and providing for the redemption of said bonds.

Section 1. Be it enacted by the General Assembly of Alabama, That the board of mayor and aldermen of the Town of Dothan be, and they are hereby authorized to issue and negotiate bonds of the said town to an amount not exceeding fifteen thousand dollars in such denomination as they may determine, to be known as school bonds with interest coupons attached, numbered to correspond with said bonds, showing the amount of interest and when payable, said bonds shall not run longer than thirty years, but shall be redeemable at the option of said Town of Dothan, after twenty years from their date, said bonds to bear interest at a rate not greater than six per cent. per annum, payable semi-annually. Said bonds may, in the discretion of said board, be made payable, principal and interest, in gold coin of the United States of the present standard of fineness and weight, and at such place as said board may prescribe.

May issue
bonds

Sec. 2. Be it further enacted, That said bonds shall be signed in the name of the Town of Dothan, by the mayor of said town, countersigned by the clerk of said town, and the seal of said town shall be applied thereto: Provided, That the signature of said mayor and clerk on said coupons may be lithographed, printed or engraved thereon.

Signed by

Authority of
mayor and
aldermen

Sec. 3. Be it further enacted, That said board of mayor and aldermen of said Town of Dothan are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted and that no technical informality or irregularity, neglect or omission in the proceedings or records of said board of mayor and aldermen, shall in any wise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper.

Use of pro-
ceeds

Sec. 4. Be it further enacted, That said board of mayor and aldermen are authorized to sell or dispose of said bonds to the best advantage and may apply the proceeds of sale of said bonds for the erection of a school building in the Town of Dothan.

Special tax

Sec. 5. Be it further enacted, That said board of mayor and aldermen be, and the same are hereby, authorized to levy, assess and collect upon all taxable property within said town, (within constitutional limitations) sufficient taxes to pay the principal and interest of said bonds, and in order to meet the interest and principal at maturity upon any and all of said bonds issued under authority of this act shall, and is hereby made their duty to set apart out of the general revenues of said town of Dothan each year four per cent. of the amount of bonds issued under the provisions of this act as a sinking fund for the redemption of said bonds when they become due, and an amount sufficient to pay the interest as it becomes due on said bonds. Said sinking fund shall be invested from time to time as it accumulates in bonds of the United States or of the State of Alabama, or in the interest-bearing obligations of any county or municipality in said State, and shall be applied to the redemption of the bonds issued hereunder and to no other purpose whatever.

Sinking fund

Tax exempt
from

Sec. 6. Be it further enacted, That the bonds issued under this act be, and the same are hereby, exempted from municipal taxation.

Repeal

Sec. 7. Be it further enacted, That all laws and parts of laws in conflict herewith, be, and the same

are hereby, repealed and that this act shall take effect immediately.

Approved February 9th, 1899.

No. 413)

AN ACT

(S. 357

To repeal an act to authorize the Mayor and Board of Aldermen of the Town of Eutaw, Alabama, to issue bonds of said town for an amount not to exceed four thousand five hundred dollars for the purpose of purchasing lots and real estate improved or unimproved, to be used for school purposes in said town, and for erecting, adding to and improving school buildings and furnishing the same.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "An act to authorize the mayor and board of aldermen of the Town of Eutaw, Alabama, to issue bonds of said town for an amount not to exceed four thousand and five hundred dollars for the purpose of purchasing lots or real estate improved or unimproved, to be used for school purposes in said town, and for erecting, adding to or improving school buildings and furnishing the same," approved February 14th, 1893, be, and the same is hereby, repealed.

Approved February 10th, 1899.

No. 414)

AN ACT

(S. 419

To authorize the City Council of Montgomery to issue bonds for the purpose of borrowing money to build and equip school houses.

Section 1. Be it enacted by the General Assembly of Alabama, That the city council of Montgomery be, and is hereby authorized to issue coupon bonds, to the amount of ten thousand dollars, all of which

May issue
bonds

are to bear interest payable semi-annually or quarterly, at such place or places as may be designated therein, and shall be issued under the corporate seal of the City of Montgomery, and be signed by the mayor and clerk of said city; to bear interest at a rate not exceeding six per centum per annum and running for such time, not exceeding fifty years from their date, as may be determined by said council. None of said bonds shall be of a lower denomination than one hundred dollars, and shall not be sold or disposed of by said council at less than their par value.

When negotiable Sec. 2. Be it further enacted, That the bonds and coupons for interest thereon issued under this act shall be negotiable paper and may be made payable to bearer, but the holder of any such bonds may convert the same into registered bonds by an entry on the back of the same, in the presence of and witnessed by the treasurer of said city; that said bonds are registered. While said bonds remain so registered, the same shall not be negotiable or assignable, and the principal sum of all bonds so registered, and the coupons for interest thereon shall be paid by such treasurer only to the person in whose name the same are registered, or to the personal representative or successor in trust, of such person. It shall be the duty of the city treasurer to keep a record of such registered bonds. Any bonds so registered may again become negotiable by an endorsement thereon by the lawful holder thereof that said bond is negotiable, which said endorsement must be made in the presence of and witnessed by the city treasurer, who shall thereupon enter on the record of registration that such bond so endorsed is no longer registered; and such endorsement can only be made by the person in whose name the bond is registered, or the personal representative or successor in trust of such person. The city treasurer, together with the sureties on his bond, shall be liable for all damages which may result to any person by reason of allowing the endorsement of any registered bond by any person, other than the person in whose name the same is registered, or the personal representative or successor in trust of such person, but in all

Duties of city treasurer

cases where the treasurer shall be in doubt as to the right or lawful authority of any personal representative or successor in trust to make such endorsement, the treasurer may require the person claiming the right to make such endorsement to procure, at his or her own expense, a decree of a Court of competent jurisdiction, authorizing such person to make said endorsement, and such decree shall protect the treasurer from all liability for allowing endorsement.

Sec. 3. Be it further enacted, That the money raised from the sale of such bonds, shall be used and applied by the said city council exclusively for erecting new school houses or repairing and remodeling those already erected, and for maintaining and equipping the public schools of said city. The said sum is to be used under the direction and control of the said city council, as it may deem best for the purposes aforesaid. Use of proceeds

Sec. 4. Be it further enacted, That no action taken by said council in reference to the application of the funds arising from the sale of said bonds shall be valid unless the same is taken by ordinance or ordinances approved by the mayor as required by the charter of the City of Montgomery, or, if the mayor should veto such ordinance or ordinances, then, until the same shall have been passed by the council over such veto, by a vote of two-thirds of the members of said council. When valid

Sec. 5. Be it further enacted, That should the said council fail to sell said bonds, or any part thereof, after advertising the same in some newspaper of general circulation for not less than three weeks, then the said council is authorized to use said bonds, or such part thereof as may be necessary, to accomplish the purposes intended by their issue. Authority of council

Sec. 6. Be it further enacted, That the issue of bonds hereby authorized is supplementary to and in further aid of the purposes, so far as the same relate to schools, to be accomplished by the issue of bonds to the amount of \$25,000.00, authorized by act of the General Assembly, approved Decem- Supplementary issue

ber 14th, 1898, and entitled "An act to authorize the city council of Montgomery to issue bonds for the purpose of borrowing money to build and equip school houses, and to purchase and improve public parks whether situated in said city or outside.

Approved February 10th, 1899.

No. 415)

AN ACT

(S. 412

To better provide for the working of the public roads of Bibb County, Alabama.

Liable to
road duty

Section 1. Be it enacted by the General Assembly of Alabama, That all male inhabitants of Bibb county, between the ages of eighteen and forty-five years, not exempt from road duty under the general laws of Alabama, shall be required to work upon the public roads of said county, four days in each year, or, instead thereof, shall pay two dollars on or before the 1st day of March, each year.

Road tax

Sec. 2. Be it further enacted, That the Commissioners Court of said county shall each year levy a special tax, not to exceed two-twentieths of one per cent. on the taxable property of the county, which shall be a part of the one-half per cent. now authorized by the Constitution for county purposes, to be assessed and collected as other taxes are assessed and collected, and when paid into the treasury it shall be kept separate from other funds, and used only for the purposes indicated in this act.

Road
contracts

Sec. 3. Be it further enacted, That said Commissioners Court, at its first term in each year, shall after giving notice by publication for twenty days in some newspaper published in said county, let to the lowest bidder the contract for repairing the public roads of said county, under such specifications as it may determine, or make special contracts for working said roads, as said Court may consider best: Provided, That no contract shall be let for less than six miles of road.

Sec. 4. Be it further enacted, That each contractor shall give bond in double the amount of his contract for the faithful performance of his duties and compliance with the terms of his contract. He shall at the end of each quarter report to the Court the number of days worked and by whom, the number not working, who they are, and the contractor shall proceed against the road defaulters and shall return them to the justice of the peace of the precinct of his residence, and he shall be proceeded against as a road defaulter, under the general laws of the State of Alabama, and all fines under such proceedings shall be paid to the county treasurer by the justice of the peace trying the case, who is authorized to collect the same.

Duties of
contractor

Road
defaulters

Sec. 5. Be it further enacted, That in making settlements with the contractors, the county shall have credit for all money paid to the contractor, during the quarter, and for all work done by those subject to road duty at the rate of fifty cents per day.

Credits for
money and
work

Sec. 6. Be it further enacted, That the Commissioners Court, at its discretion, may employ the county convicts of said county in working the public roads thereof, under such regulations as it may adopt.

County
convicts

Sec. 7. Be it further enacted, That it shall be the duty of the probate judge to have printed to be paid out of said road fund such blanks for contracts, reports of contractors and other blanks for reports, or any other blanks that he may deem necessary.

Blanks

Sec. 8. Be it further enacted, That it shall be the duty of the probate judge, under the direction of the Commissioners Court, to compile the road law of Bibb county, Alabama, with the general road law of the State, so far as the same relates to each county, and have a sufficient number printed for distribution in Bibb county.

Road law to
be compiled
and printed

Sec. 9. Be it further enacted, That the Commissioners Court shall, after the passage and approval of this act, proceed to levy said special road tax, and take other steps necessary to collect said road

Levying tax

fund: Provided, however, That no contract shall be let under this act prior to the first day of January, 1900.

Collection

Sec. 10. Be it further enacted, That the poll tax for road purposes shall be collected by the county tax collector, and he shall receive therefor the same fees as when collecting poll tax for school purposes.

Repeal

Sec. 11. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved February, 12th, 1899.

No. 416)

AN ACT

(S. 355

For the relief of M. H. Caldwell, sheriff of Sumter County.

Whereas, M. H. Caldwell, sheriff of Sumter county, did, on the 16th day of December, 1896, remove John Johnson, alias John Allen, a prisoner, from the jail in Sumter county, Alabama, to the jail in Jefferson county, Alabama, under the direction and order of S. M. Spratt, judge of the Sixth judicial circuit of Alabama, to avoid the jail at Livingston from being broken into and said prisoner being lynched by a mob, and said Caldwell, for extra guards and expense, paid out \$59.50.

Whereas, The auditor has rejected said account because the payment for removal is not provided by law; therefore,

Appropriation

Section 1. Be it enacted by the General Assembly of Alabama, That the auditor is hereby required and authorized to draw his warrant on the state treasurer in favor of the said M. H. Caldwell for the sum of fifty-nine and 50-100 dollars, covering the amount expended by said M. H. Caldwell in removing the prisoner above named; and the treasurer is hereby directed and required to pay such warrant out of any money in the treasury not otherwise appropriated.

No. 417)

AN ACT

(S. 317

To incorporate Kowaliga Academic and Industrial
School for the Colored Race.

Section 1. Be it enacted by the General Assembly of Alabama, That John J. Benson, Solomon Robinson, Miss Emily Howl, and Mrs. J. L. Kine, Jackson Robinson, C. J. Calloway and W. E. Benson, and their successors in office, be, and the same are, hereby constituted a body corporate by the name and style of Kowaliga Academic and Industrial School, and by such name shall have perpetual succession, may sue and be sued in any of the Courts in this State; may have and use a corporate seal and change the same at pleasure; may own real and personal property, purchase, sell, lease and mortgage the same; may receive donations and bequests, and all of its property in actual use for educational purposes shall be exempt from State and county taxation.

Incorporators

Name

Rights

Sec. 2. Be it further enacted, That the above named persons are hereby constituted a board of trustees for said school, together with the commissioner of agriculture, and the superintendent of education of said State, who are hereby constituted and appointed ex-officio members of said board; and all vacancies in the board of trustees shall be filled by a majority vote of said board of trustees attending a meeting for that purpose.

Trustees

Sec. 3. Be it further enacted, That said board of trustees may, by a majority vote thereof, at any regular meeting, be increased to any number not more than fifteen, and may likewise regulate the term of office, so that not more than one-third of said board may expire in the same year.

Number of
trustees

Sec. 4. Be it further enacted, That the board of trustees, or a majority thereof, shall be, and they are, empowered to adopt such rules, regulations and by-laws as may be necessary for the government of said school, not contrary to the constitution and laws of Alabama, and shall likewise have

Rules and by-
laws

power to elect annually a president, secretary and treasurer of said board of trustees.

Officers and
teachers

Sec. 5. Be it further enacted, That said board of trustees, or a majority of them, are empowered to elect a president, professors and teachers in said school, and to fix their salaries; and said president, professors and teachers so elected shall constitute the faculty of said school; and they shall have power, with the concurrence of said board of trustees, to make all necessary rules for the government of said school; to determine the rates of tuition and the curriculum of study; and to the end that said Kowaliga Academic and Industrial School shall be an institution of learning of high grade, no one but a professional educator of Christian character, known ability and successful experience shall be eligible to the office of president thereof.

School funds

Sec. 6. Be it further enacted, That the provisions of this act shall not interfere with said school in obtaining its pro rata of the funds now or hereafter set apart for the public schools for the colored race, but that said school authorities may arrange with said Kowaliga Academic and Industrial School to carry on a public school for the colored race; provided, the same shall be fully under the direction of the authorities of the County of Elmore and State of Alabama, and shall be governed by the general school laws.

Certificates

Sec. 7. Be it further enacted, That the faculty under the supervision of the board of trustees of said school, may instruct in any of the arts and sciences, and may grant certificates of proficiency to the graduates of said school who, in their judgment, are entitled to the same.

Approved February 10th, 1899.

No. 418)

AN ACT

(H. 1093

For the relief of Joseph H. Lumpkin, as sheriff of
Dallas County.

Whereas, Thomas Duckworth (a negro) was, and is, the only witness (except a nephew of said John

Wesley Ethridge) to the murder on December 24th, 1896, of A. W. Coleman, in Dallas county, Alabama, by John Wesley Ethridge, who has secreted himself so as to avoid arrest for said murder; and, whereas, the judge of the City Court of Selma instructed the said Joseph H. Lumpkin, as said sheriff, to commit to the county jail of Dallas, the said Thomas Duckworth, for safety and as a witness for the State as to the murder of said A. W. Coleman; and, whereas, the said Joseph H. Lumpkin, as sheriff, did, on the 25th day of December, 1896, in obedience of said order of said judge of the City Court of Selma, commit the said Thomas Duckworth to the county jail of Dallas county, and did there hold him until the 1st day of January, 1898; and, whereas, the said judge of the City Court of Selma did not make, in writing, the said order to the said Joseph H. Lumpkin, commanding him to commit the said Thomas Duckworth to said jail; and without said order in writing, the auditor of the State of Alabama is not authorized by law to draw his warrant on the State treasurer for the board bill of said Thomas Duckworth while in said county jail; and, whereas, the said Thomas Duckworth is poor and unable to pay said board bill, and the amount of said board bill can not, by execution, be made out of the said Thomas Duckworth; now, therefore,

Section 1. Be it enacted by the General Assembly of Alabama, That the auditor of the State of Alabama be, and he is, instructed to draw his warrant on the treasurer of the State of Alabama, in favor of Joseph H. Lumpkin, for the sum of one hundred and eight dollars, and the treasurer of the State of Alabama is hereby instructed to pay the said warrant for one hundred and eight dollars, drawn by the auditor of the State of Alabama, on the State treasurer in favor of the said Joseph H. Lumpkin.

Appropriation

Approved February 18th, 1899.

No. 419)

AN ACT

(H. 1012)

To prevent hogs from running at large in Jefferson
County, Alabama.

Unlawful Section 1. Be it enacted by the General Assembly
of Alabama, That it shall be unlawful for the
owner of any hog to knowingly, voluntarily or wil-
fully allow or permit any such animal to go at large
and off the premises of the owner, anywhere in
Jefferson county, Alabama; and any such owner
of a hog who shall permit any such animal to go
at large and off the owner's premises, shall be lia-
ble to any party injured thereby for all damages
done to the fruit or shade trees, ornamental shrub-
bery, to crops or any other property of whatsoever
kind of any person or persons, to be recovered be-
fore any Court of competent jurisdiction; and the
judgment of the Court, when against the owner
of any such animal so depredating, shall be a lien
on the animal or animals causing the injury, in
addition to other liens which, on execution issued
on said judgment, may have according to law.

Damages Sec. 2. Be it further enacted, That any person
or persons who is the owner of, or is in the lawful
possession of any land, or the agent of any such
person or persons within the limits of the said
Jefferson county shall have the right to take pos-
session of any such hog or hogs as may be found
at large and uncontrolled on the premises of such
person or persons, and when so taken up and pos-
sessed, such person or persons, or their agents,
shall at once, personally or by leaving a written
notice at the residence or usual place of business
of the owner of such animal or animals, or to the
nearest justice of the peace of the beat in which he
resides, of the same, when the owner is unknown,
within twenty-four hours after such seizure.

Notice to owner Sec. 3. Be it further enacted, That the owner
of any such hog or hogs so seized, as provided in
Section 2 of this act, shall have the right to the
possession of the same on paying the damages, fees,
Payment of damages

to agree as to the amount of damages and costs of seizure, either party shall have the right to go before any justice of the peace within the beat where such animal is seized, or taken up, or to the nearest justice of the peace, should there be none within said beat, and have the issue tried in-
stanter, or as soon as practicable, on a written statement, or complaint, setting forth, in substance, the facts of such seizure, first giving the opposite party notice thereof; and said issue shall involve the validity of such seizure, the amount of damages, fees, costs and expenses under the provisions of this act; and the judgment of said justice of the peace shall have all the force and effect of a judgment in any other Court of law, and be executed in the same manner as any other judgment of a Justice Court is enforced; and on the trial of such issue the party taking up such animal shall be the plaintiff in the action: Provided, however, That if the owner of the animals is unknown, then the party seizing the stock shall proceed in the same manner as if the animal was an estray, as the law prescribes in cases of estrays: Provided, That any such animals may be treated as an estray at any time of the year they may be found running at large in said County of Jefferson.

Sec. 4. Be it further enacted, That if the owner, or his agent, shall not claim his property within twenty-four hours after notice has been given, as provided in this act, the justice of the peace shall order the animal so seized sold by the constable and applied to the costs and damages named in this act; the constable thereupon shall give three days notice, by posters at three public places, and sell the same to the highest and best bidder, and apply the proceeds to the payment of the costs and damages mentioned in this act.

Sec. 5. Be it further enacted, That the fees allowed, as follows: For taking up each hog, one dollar; and shall also be allowed 15 cents for each day for keeping each hog. The justice of the peace shall be entitled to 50 cents for the trial of each issue under this act, and 50 cents for each order

of sale of property; and the constable shall be entitled to \$1.00 for each sale of such animals.

Repeal

Sec. 6. Be it further enacted, That all laws and parts of laws in conflict with this act shall be, and the same are, hereby repealed.

Approved February 10th, 1899.

No. 420)

AN ACT

(S. 395

To repeal an act to establish the Lineville School District in Clay County, approved February 4th, 1897.

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That an act to establish the Lineville School District in Clay county, Alabama, approved February 4th, 1897, be, and the same is, hereby repealed.

Approved February 10th, 1899.

No. 422)

AN ACT

(S. 333

To amend an act entitled "An act to regulate the trial of misdemeanors in Lawrence County," approved February 6th, 1891.

County court of Alabama, That an act entitled "An act to regulate the trial of misdemeanors in Lawrence county," approved February 6th, 1891, be amended so as to read as follows: "Section 1. Be it enacted by the General Assembly of Alabama. That the County Court of Lawrence county shall have concurrent jurisdiction with the Circuit Court of said county for the trials of all misdemeanors committed in said county."

Duty of circuit judge

Sec. 2. Be it further enacted, That the presiding judge of the Circuit Court of said county, at each succeeding term, shall enter on the minutes

of said Court, on the day of adjournment, an order transferring to the County Court of said county, all indictments presented or filed in the Circuit Court against persons charged with the commission of misdemeanors, and after the making of such order, the jurisdiction of the Circuit Court shall cease, and exclusive jurisdiction shall vest in the County Court.

Sec. 3. Be it further enacted, That it shall be the duty of the clerk of the Circuit Court of said county to enter the cases transferred as heretofore mentioned, on the docket of said County Court, to attend the terms of said County Court and to keep the books in which must be entered the minutes of each days proceedings, during the session of the Court, and the orders and judgments in the order in which they are made or rendered, and to make a record of the proceedings in said causes so transferred as required by law to be kept in such causes in the Circuit Court. In cases where arrests have not been made, issue capiases forthwith, returnable to the next term of the County Court; and on the application of either party, to issue subpoenas for witnesses in said causes so transferred, and certify the attendance of witnesses as in the Circuit Court, and issue executions against the defendant and his sureties on all confessions of judgments immediately after the adjournment of said Court, returnable not less than thirty nor over ninety days, and immediately deliver said execution to the sheriff of said county; and after the delivery of said execution it shall be a lien on all the property of the defendants. and shall be the duty of the sheriff of said county to collect said execution within the time named in said execution.

Duty of circuit clerk

Sec. 4. Be it further enacted, That it shall be the duty of the judge of the County Court to hear counsel and decide cases without a jury, unless a jury is demanded; and if a jury is demanded at a non-jury term, the cause must be continued to the next succeeding jury term of said Court.

Duty of judge county court

Sec. 5. Be it further enacted, That whenever the jury commissioners of Lawrence county shall meet

Juries

and costs, and other expenses accruing on account of the seizure to the person so seizing such animal or animals; but should the parties not be able to draw the juries for the Circuit Court of said county, as now provided by law, they shall draw a jury for the January and July terms of the County Court, to consist of thirty names each, and shall endorse on them, the July term and January term of the County Court of Lawrence county, and deliver them to the clerk of the Circuit Court of said county, as required by law in reference to the juries in Circuit Court, and said juries are to be summoned and paid as now required by law.

Proceedings

Sec. 6. Be it further enacted, That all proceedings as to bail, conditional judgments, forfeitures, judgment final, and alias warrants of arrest, shall be the same as now provided by law in the Circuit Court, and in all cases transferred as above, conditional judgment may be set aside, reduced, or made absolute, and the same orders and judgments had and taken in the Circuit Court had been made and rendered at prior terms of the County Court.

Appeal

Sec. 7. Be it further enacted, That the defendants in all cases, whether tried by the Court or by a jury, shall have the right to appeal to the Supreme Court only, and may reserve, by bill of exceptions, any questions in law arising in any of the proceedings in like manner and form, as provided for in similar cases in the Circuit Court.

If judge
disqualified

Sec. 8. Be it further enacted, That if in any case, the county judge shall be disqualified, the solicitor and the defendant may agree upon some disinterested person, learned in the law, to act as special judge to decide and render judgment in the same manner and to the same effect as judge of the County Court. If the solicitor and the defendant do not agree upon a special judge, the clerk of the Circuit Court shall appoint the said special judge.

Solicitor

Sec. 9. Be it further enacted, That the solicitor for Lawrence county shall prosecute for the State all cases therein, and for so doing he shall receive the same fees as for similar services in the Circuit Court, to be collected and paid as now provided by law in the County Court.

Sec. 10. Be it further enacted, That the term of the County Court shall be held the third Monday in every month, at the courthouse of said county, the jury term to be held on the third Mondays in January and July, and each term to continue until the business is disposed of. Terms

Sec. 11. Be it further enacted, That the compensation of the sheriff and the clerk of the Circuit Court shall be the same as for similar services in the Circuit Court, and that the judge of the County Court shall receive three dollars for all cases disposed of in said Court, to be paid out of the county treasury of said county; and in case of a conviction or a judgment final on a forfeited bond, there shall be taxed a fee of three dollars to be called the "County Court fee," against the defendant, and the defendant and his forfeited bond, and it shall be collected by the sheriff, as other costs and paid over to the clerk, and it shall be the duty of the clerk to pay same to the county treasurer of the said county. Compensation

Sec. 12. Be it further enacted, That prosecutions may be instituted or commenced in said County Court, as now provided by law in County Courts, to be thereafter subject to the provisions of this act; that all appeals by defendants in criminal cases for misdemeanors from justices of the peace or notaries public with powers of justices of the peace, shall be taken to the County Court. Prosecution and appeals

Sec. 14. Be it further enacted, That in all cases where the sheriff of said county shall levy on property to satisfy execution from the County Court, and a third party claim said property, he shall make affidavit and give bond as now required by law in the trial of the rights of property, and it shall be the duty of the sheriff to forthwith return said papers to the clerk of the County Court; and said County Court shall have jurisdiction to try the rights of property in such cases. Executions

Sec. 15. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed. Repeal

Approved February 10th, 1899.

No. 423)

AN ACT

(S. 397

To authorize the mayor and aldermen of Birmingham to establish the width of Nineteenth street from Huntsville avenue north to the section line, and to give, grant or dispose of forty feet on the east side of the said Nineteenth street, to the present owners of the property attingent thereto.

Whereas, In the original plan of the City of Birmingham, Nineteenth street north in said city, from Huntsville avenue north to the section line, was laid off and dedicated as a public highway of the uniform width of one hundred feet; and,

Whereas, Subsequently thereto the owners of the real estate abutting and attingent to the western boundary line of the said Nineteenth street have encroached upon said highway as dedicated, to a line ten feet west of the center of such highway, as originally dedicated; and,

Whereas, It may be expedient to concede to the owners of such attingent property, the title to forty feet thereof, upon the relinquishment of such owners of twenty feet thereof; Therefore,

Section 1. Be it enacted by the General Assembly of Alabama, That the board of mayor and aldermen of Birmingham is hereby authorized and empowered to grant and convey unto the owners of the property attingent to Nineteenth street, between Huntsville avenue and the section line, as aforesaid, a strip of land forty feet in width, described as follows: Beginning at a point on the section line sixty feet east of the western boundary line of said Nineteenth street, as originally laid off, thence in a southerly direction, parallel to said western boundary line of said Nineteenth street to the northern boundary line of Huntsville avenue, thence eastwardly forty feet, thence northwardly to said section line thence at right angles to the point of beginning.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved February 10th, 1899.

No. 424)

AN ACT

(S. 370)

To create a separate school district in Franklin County, Alabama, to be known as the Burlason school district.

Section 1. Be it enacted by the General Assembly of Alabama, That a separate public school district be, and the same is hereby established in the County of Franklin, to be known as the Burlason public school district and that said district shall be composed of the following territory, to-wit: S $\frac{1}{2}$ of Sections nineteen (19), twenty (20), twenty-one (21), twenty-two (22), and all of Sections twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33), and thirty-four (34), Township seven (7), Range fourteen (14), and west half Section three, (W $\frac{1}{2}$ of Section 3) all of Section four (4), five (5), six (6), seven (7), eight (8), nine (9), and ten (10), Township eight (8), Range fourteen (14), and east half of section twenty-five (25) and thirty-six (36), Township seven (7), Range fifteen (15), in Franklin county, Alabama.

Sec. 2. Be it further enacted, That said separate school district shall receive its share of the public school funds of this State as provided for by law, in proportion to the number of children within the educational age residing in said district.

Sec. 3. Be it further enacted, That the superintendent of education of Franklin county shall within thirty days after the passage of this act appoint three trustees for said school district, who shall possess the same qualifications, and discharge the same duties as trustees of the other public schools of the State, and such trustees shall hold their office for a term of two years from the date of their respective appointments.

Approved February 10th, 1899.

No. 425)

AN ACT

(H. 377)

To authorize the Mayor and Councilmen of Evergreen to issue bonds of said town for an amount not exceeding twenty-five thousand (\$25,000.00) dollars for the purpose of putting in a system of water works, electric, or gas lights, and making other permanent improvements in said town.

May issue
bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the board of mayor and councilmen of Evergreen be, and they are hereby authorized, to issue bonds of said Town of Evergreen, to an amount not exceeding twenty-five thousand (\$25000.00) dollars, or so much thereof as said board may deem necessary for the purposes herein-after named, in denominations of not less than one hundred (\$100.00) dollars each, and payable thirty (30) years from the date of their issuance, with coupons attached, bearing interest at a rate not exceeding 6 per cent. per annum, and payable semi-annually to bearer, said bonds and coupons being payable in gold of the present standard weight and fineness, at the First National Bank in the City of Mobile, Alabama.

Signed by

Sec. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said town, and the city treasurer must keep a correct record and account of all the bonds issued and disposed of under this act.

Authority of
mayor and
councilmen

Sec. 3. Be it further enacted, That said mayor and councilmen of Evergreen are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted, and no technical informality irregularity, neglect or omission in the proceedings or records of said board shall in any wise vitiate or annul said bonds or coupons which shall have all the properties, and protection of commercial paper, and shall be receivable for all dues to the town in the way of taxes and otherwise.

Sec. 4. Be it further enacted, That said mayor and councilmen of said town are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than 90 cents on the dollar, and the proceeds of said bonds shall be paid over to and kept by the treasurer of said town, to be used and applied in constructing and operating a system of water works, and of electric or gas lights in said town.

Sale of and
use of pro-
ceeds

Sec. 5. Be it further enacted, That the use, payment and application of said money shall be under the direction of said board of mayor and councilmen of Evergreen, and the said treasurer shall be responsible for the safe keeping of the proceeds arising from the sale of said bonds, which may come into his hands in his official capacity, the same as for other town funds, and there shall be no commissions paid said town treasurer for receiving or disbursing the funds arising from the sale of said bonds named in this act.

Under the
direction of

Sec. 6. Be it further enacted, That the bonds herein provided for shall have priority over all bonds of said town which may be hereafter issued, and it shall be the duty of said mayor and councilmen of Evergreen to provide for the payment of the principal of said bonds by setting apart for that purpose, from the revenues of the said Town of Evergreen each year, beginning with the year 1900, five per cent of the amount of bonds issued under the provisions of this act.

Priority

Sinking fund

Sec. 7. Be it further enacted, That these bonds shall be exempt from all municipal taxation.

Tax exempt
from

Approved February 10th, 1899.

No. 426)

AN ACT

(H. 279

To amend Section 1566 of the Code of Alabama of 1896, so far as the same relates to Mobile county.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1566 of the Code of

Code, Section Alabama of 1896, so far as the same relates to Mobile county, be amended so as to read as follows:
 1566
 amended 1566. County registrars shall within thirty days
 County after the expiration of the time prescribed for registration, make a true copy, alphabetically arranged, of the list of names registered, which copy, along with the original registration list, they must return to the office of the judge of probate of the county.
 registrar

Compensation Sec. 2. Be it further enacted, That each county registrar shall be paid for his services out of the county treasury by the copy of the registration list, in no case to exceed ten cents for each elector registered.

Repeal Sec. 3. Be it further enacted, That all laws and parts of laws in conflict herewith are hereby repealed.

Approved February 10th, 1899.

No. 427)

AN ACT

(S. 354

To provide compensation for the members of the Commissioners Court of Pickens County.

Compensation Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act the members of the Commissioners Court of Pickens county shall each receive four dollars per day for each day of actual service rendered and such ferriage or toll as they may pay, and three cents per mile traveling to and from the Court.

Approved February 10th, 1899.

No. 428)

AN ACT

(S. 208

To relieve Josie W. Hubbard of Montgomery County, of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That Josie W. Hubbard, a minor, be, and she is hereby relieved of the disabilities of non-age, and shall have the right to sue and be sued, contract, and be contracted with, and generally to do and perform all acts which she could lawfully do if twenty-one years of age.

Approved February 10th, 1899.

No. 429)

AN ACT

(S. 335

To amend an act approved December 13th, 1898, entitled "An act to better provide for the working of the public roads of St. Clair, Cherokee, Franklin and Shelby counties," so far as the same relates to Shelby, St. Clair, Cherokee and Franklin counties.

Section 1. Be it enacted, That Section 1 of said act shall be amended so as to read as follows: That the Court of County Commissioners of Shelby, St. Clair, Cherokee and Franklin counties shall, at their first regular meeting after the passage and approval of this act and bi-ennially thereafter, appoint one superintendent of public roads in each precinct in said county, who shall serve for a period of two years: Provided, That no person over forty-five years shall be compelled to serve unless he so choose.

Sec. 2. Be it further enacted, That Section six-teen (16) of said act shall be amended so as to read as follows: That all hands subject to road duty under the general law, shall be required to work on public road four (4) days in each year or pay in money to his overseer seventy-five cents (75) per

day for each day he shall fail to work; which money must be paid his overseer on or before the day he is warned to commence work. The overseer receiving the money must immediately hire a hand to take his place on the road, and report it to the district superintendent of public roads: Provided, further, No hand shall be required to work public road oftener than twice a year, nor more than two days each time, for the county.

Duty of road
overseers

Sec. 3. Be it further enacted, That in the event that any public road in said Shelby, St. Clair, Cherokee and Franklin counties shall at any time from any cause whatsoever become seriously injured, obstructed or destroyed, that the overseer of said road shall forthwith warn all the hands apportioned to said road, or so many thereof as may be necessary, and shall repair the said road as soon as practicable, and in such emergency and for said purpose, all persons subject to road duty on said road may be required to work two days other than the four days hereinbefore mentioned, but shall have credit for all emergency work so performed by them on the next regular working to which they are subject.

Applies to

Sec. 4. Be it further enacted, That the provisions of this act shall apply to Shelby, St. Clair, Cherokee and Franklin counties.

Approved February 10th, 1899.

No. 430)

AN ACT

(H. 1166

To repeal an act entitled "An act to authorize the Mayor and Council of the Town of Decatur to negotiate a loan for the purpose of constructing sewers and making other permanent public improvements in said town, and to issue bonds for the payment of said loan," approved February 28th, 1889.

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "An act to

authorize the mayor and council of the Town of Decatur to negotiate a loan for the purpose of constructing sewers and making other permanent public improvements in said town, and to issue bonds for the payment of said loan," and approved February 28th, 1889, be, and the same is hereby, repealed.

Approved February 10th, 1899.

No. 431)

AN ACT

(H. 1052

To repeal an act to require the County Commissioners of Conecuh County to procure printed blank forms of certain conveyances and printed blank record books in conformity therewith, for the use of and distribution by the probate judge of said county, and to regulate the fees for recording the same.

Section 1. Be it enacted by the General Assembly of Alabama, That an act of the General Assembly of Alabama, of 1888-89, page 399, Bill No. 264, to require the county commissioners of Conecuh county to procure printed blank forms of certain conveyances and printed blank record books in conformity therewith, for the use of an distribution by the judge of probate of said county, and to regulate the fees for recording the same, be, and the same is, hereby repealed. Repeal

Approved February 10th, 1899.

No. 432)

AN ACT

(H. 973

To provide for the better maintenance of the public schools in Walker County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the Commissioners Court of Walker county, Alabama, be, and they are hereby, directed and required to levy and have collected School tax

under the laws of this State for the year 1899, and each year thereafter, a tax of not less than ten cents on the one hundred dollars worth of the value of all taxable property in said county as assessed for revenue for the State for the maintenance of the public schools in said county as herein-after provided.

Payments to
treasurer

Sec. 2. Be it further enacted, That it shall be the duty of the tax collector of said county to pay over to the county treasurer as herein provided, all monies collected by him and on hand under the provisions of this act, on the first day of January of each year and on the first day of each month thereafter until the same shall have been all paid.

Separate
account

Sec. 3. Be it further enacted, That it shall be the duty of the county treasurer of said county to keep a separate account of all funds paid to him to the credit of the public schools, and it shall be unlawful for any of said public school funds to be applied or appropriated to any use whatsoever except as herein provided.

Census

Sec. 4. Be it further enacted, That it shall be the duty of the county superintendent of education to furnish by the first day of October of each year to the county commissioners, the census of the school children taken under the law of Alabama, showing the number of children within the school age, of the several townships, and separate school districts within said county.

Duties of
county com-
missioners

Sec. 5. Be it further enacted, That the county commissioners shall as soon as practicable after the assessment of taxes and receipt of the census as hereinbefore provided, in every year determine what amount of such school fund shall be apportioned to the several townships, and separate school districts in said county, and the amount so determined shall be in exact proportion to the number of school children in such townships or separate school district, as shown by the school census taken next before such action of the county commissioners, and they shall furnish to the county superintendent of education and the treasurers of incorporated towns and cities, having and main-

taining public schools, under special school laws, the amounts of the school funds appropriated by them to the several townships, separate districts and towns, and upon such determination it shall be the duty of the county treasurer to pay to the county superintendent of education the amounts allowed by the Commissioners Court to the several townships in said county, and to pay to the treasurers of incorporated towns and cities having a separate school district or school or schools managed by such town or city authorities, the money allowed by the Commissioners Court to such towns or cities such payment to be made upon the warrant of the probate judge of said county, and the money thus paid shall be used exclusively for the paying of teachers employed in the public schools of such townships and separate school districts as provided in the laws of the State of Alabama. Excepting such an amount to be determined by the Commissioners Court not to exceed one per cent of the money appropriated to the townships as said Court may deem equitable.

Sec. 6. Be it further enacted, That the tax assessor and the tax collector and the county treasurer shall receive no additional compensation for assessing and collecting and handling, as imposed upon them by the provisions of this act. No compensation

Sec. 6½. Be it further enacted, That no school shall be contracted for less than five scholastic months under the provisions of this act. Length of term

Sec. 7. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed. Repeal

Approved February 10th, 1899.

No. 435)

AN ACT

(H. 924

To define the duties of the tax assessor for Tuscaloosa County as to the description of lands required to be entered on tax book.

Entries on
tax book

Section 1. Be it enacted by the General Assembly of Alabama, That the tax assessor for Tuscaloosa county shall be required to enter on the book referred to in Section 3950 of the Code of 1896, the number of acres of land and other real estate, with the description and value thereof, but he shall not be required to enter thereon the subdivisions of sections.

Approved February 10th, 1899.

No. 436)

AN ACT

(H. 814

To amend an act approved 22d day of February, 1887, making Township 17, Range 6, east, Perry County, Alabama, a separate school district.

Sections ex-
cluded

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "An act to constitute Township 17, Range 6, east, Perry county, a separate school district and to provide for the management of public school in said district, and approved February 22, 1887, be, and is hereby so amended as to exclude from the operations of said act all of the sections of said township, except Sections 5, 6, 7, 8, 17 and 18 of said township, and that all of the other sections in said township shall be under the operation of the general law governing schools in the State.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved February 10th, 1899.

No. 437)

AN ACT

(H. 790)

To allow the presiding judge of the Circuit Court of the County of Marion to order the jury box in said county to be refilled when in his opinion the box has become illegal or irregular.

Section 1. Be it enacted by the General Assembly of Alabama, That whenever; in the opinion of the presiding judge of the Circuit Court of the County of Marion, the jury box thereof has for any reason become illegal or irregular, he may enter an order on the minutes of the Court in term time, declaring the jury box of the county illegal and irregular and requiring the jury commissioners of the county to assemble on a day to be named in the order, at the place fixed by law for them to assemble in drawing juries, and to destroy the names which may be in the box and refill the same in the manner now required by law. The said jury commissioners in the performance of their duties under the order of the judge must proceed in all things according to the provisions of the jury law applicable to the said county, and when such order is made it shall be the duty of the clerk of the Circuit Court to issue a writ to the sheriff commanding him to notify the jury commissioners of the county of the order made by the presiding judge and commanding them to assemble and fill the jury box as directed in such order. The box, when filled in pursuance of such order, shall be the legal jury box of the county.

When jury
box to be
refilled

Duty of jury
commis-
sioners

Sec. 2. Be it further enacted, That all laws and parts of laws, in conflict with the provisions of this act be, and the same are hereby, repealed.

Repeal

Approved February 10th, 1899.

No. 438)

AN ACT

(H. 776

To incorporate the Mobile Railway Terminal Company.

Incorporators Section 1. Be it enacted by the General Assembly of Alabama, That in order to facilitate the public convenience and the safety of the transmission of railroad passengers and freight, and to prevent unnecessary expense, inconvenience, and loss to the public, W. Butler Duncan of the City of New York, and State of New York, Milton H. Smith of the City of Louisville, State of Kentucky, and E. L. Russell, Henry Tacon, James H. Masson and G. L. Smith of the City of Mobile, and State of Alabama, their associates, and successors be, and the same are hereby made a body politic and corporate, by the name and style of the Mobile Railway Terminal Company, and as such corporation they are hereby vested with all the powers and privileges of private corporations under the laws of this State, and also

Name

Rights power of acquiring, constructing, maintaining, operating or leasing to others, railroad terminal facilities for the accommodation of passengers, and for handling and transferring railroad and express freight.

Capital stock Sec. 2. Be it further enacted, That the capital stock of said Mobile Railway Terminal Company shall be fifty thousand dollars, divided into five hundred shares of par value of one hundred dollars each, and the directors of said corporation may receive real or personal property in payment for subscriptions of capital stock at a reasonable value to be agreed upon between the said directors and subscriber.

Subscriptions Sec. 3. Be it further enacted, That until a board of directors be elected by the shareholders as herein directed, any five of the incorporators hereinbefore named, or their associates, shall be authorized to open books in the City of Mobile or elsewhere, as they may direct, for subscription to the capital stock of said corporation, upon such terms as to

payment by the subscribers thereof as said five persons may, by resolution, determine, to be placed at the head of the subscription list. When the sum of ten thousand dollars shall have been subscribed, said corporators who have obtained such subscriptions, shall call a meeting of the subscribers at such time and place as they may appoint. At such meeting said subscribers shall elect a board of directors, to serve one year and until their successors are elected and qualified, who shall proceed to organize said corporation, upon filing with the judge of probate of Mobile county a certificate of organization, as herein directed, signed by the persons who superintended the subscriptions to the stock, or a majority of them. Said corporation may thereupon enter upon and thereafter transact and carry on the business in this act authorized to be transacted and carried on by said corporation.

Organization

Sec. 4. Be it further enacted, That said corporation shall have the power to acquire in this or in any other State or States, and at such place or places as shall be found expedient, such real estate as may be necessary upon which to construct, operate and maintain passenger stations, comprising passenger depots, office buildings, sheds and storage yards; and freight stations, comprising freight depots, warehouses, office and freight yards, round houses and machine shops; also main and side tracks, switches, crossovers, turnouts, and other terminal railroad facilities, appurtenances and accommodations suitable in size, location and manner of construction, to perform promptly and efficiently the work of receiving, delivering, and transferring all passengers and freight traffic of railroad companies with which it may enter into contract for the use of its terminal facilities as such place or places. Said corporation shall have the power, by purchase, lease or assignment of lease to acquire and hold, and to lease to others, such real estate, as may be necessary for the above mentioned purposes of its incorporation. It may also acquire such real estate by condemnation, in pursuance of the general

Powers

laws of this State, authorizing the condemnation of private property for public use.

Borrow money Sec. 5. Be it further enacted, That said corporation may from time to time, borrow such sums of money as may be necessary for the acquisition, construction, maintenance, repair, or operation of such passenger or freight depots or stations, or both, and other terminal facilities as are above mentioned; and such sums of money so borrowed may be in excess of the capital stock of said corporation; and to issue and dispose of its bonds for such amounts and at such prices as it may think proper, and to mortgage its corporate property rights, privileges and franchises, and rentals for the purpose of securing the same. At any place where said railroad terminal corporation may acquire and construct passenger stations, said corporation may keep a hotel or restaurant, or both, and also a news stand.

Lease to Sec. 6. Be it further enacted, That the said corporation shall have full power and authority to lease to any railroad company or railroad companies, its freight or passenger depots or stations, and its other terminal facilities, located at any place where the line or lines of said railroad company or companies may terminate, or through which they may pass, and such lease may be upon such terms and for such time as may be agreed upon by the parties, not exceeding twenty years.

Other companies Sec. 7. Be it further enacted, That any railroad companies organized and existing under and by virtue of the laws of this State, or doing business in this State, may severally or jointly, or jointly and severally, guarantee the principle and interest of such bonds as may be issued by said railroad terminal corporation, and may, in like manner, guarantee the performance of any other contracts that said railroad terminal corporation may make in regard to its corporate business. Any such railroad company or companies may also subscribe for, hold, and dispose of the capital stock or bonds, which may be issued by said railroad terminal corporation, and said railroad terminal corporation may acquire, hold, and dispose of the capital stock

or bonds of railroad companies for the purpose alone of raising money for the acquisition, construction, maintenance, repair and operation of such passenger or freight depots and stations or other terminal facilities as above mentioned, and not for the purpose of speculating in stocks or bonds, or managing or controlling railroads.

Sec. 8. Be it further enacted, That whenever it may be necessary in order to enable said railroad terminal corporation to acquire and construct proper railroad terminal facilities in any town or city, or to connect such terminal facilities with the tracks of any railroad company or companies with whom said corporation may have contracted to furnish such facilities, said corporation, with the consent of the proper authorities of such town or city, shall have the right to lay and operate a track or tracks across, or along, or over, or under such of the streets or alleys of such town or city as may be necessary for that purpose; and said corporation may also, with such consent, construct such passenger or freight depots or stations, or any part thereof, across, or along, over or under any such street or alley, and thereby exclude the public from the use thereof, when it shall be necessary in order to furnish proper railroad terminal facilities in said town or city, but no street or alley of any town or city shall be obstructed or interfered with until the consent of the proper authorities of said town or city shall have been first obtained.

Right of way

Sec. 9. Be it further enacted, That this act shall take effect and be in force from and after its passage.

When act
takes effect

Approved February 10th, 1899.

No. 439)

AN ACT

(H. 729

To establish a separate school district in Barbour County, Alabama, to be known as the Lindsey School District.

Section 1. Be it enacted by the General Assembly of Alabama, That the following described ter-

School district ritory, situated in the County of Barbour, shall constitute a separate school district, to be known as the Lindsey school district, to-wit: All that section of country bounded on the east, south and west by Lindsey's creek and Pauls creek, and on the north by the beat line between Beat 7 and Beat 10.

School funds Sec. 2. Be it further enacted, That said district shall receive its pro rata share of all funds raised or appropriated by the State for public schools, and shall also receive its pro rata of the sixteenth section interest accruing, to the township from which said district is composed, and it shall receive all poll tax which may be collected from residents of said school district and all funds which may be donated to said district.

Trustees Sec. 3. Be it further enacted, That the county superintendent of education of Barbour county shall appoint three trustees, residents of said district, whose duties and terms of office shall be the same as those of township trustees in said county, and in all respects said district shall be managed and controlled as prescribed by law for townships in said county: Provided, That only one school for white children shall be established in said district.

Approved February 10th, 1899.

No. 440)

AN ACT

(H. 646

To authorize the mayor and aldermen of the City of Oneonta, Alabama, to issue bonds.

May issue bonds Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and aldermen of the City of Oneonta, Alabama, are hereby authorized to issue bonds to the amount of not more than ten thousand dollars, which bonds are to run not exceeding thirty years from date of issue, and to bear interest payable semi-annually, at a rate not to exceed six per centum per annum, and the proceeds of the sale of said bonds shall be applied to the

erection of and maintenance of water works for said City of Oneonta, Alabama.

Sec. 2. Be it further enacted, That said bonds shall be signed by the mayor and aldermen of said City of Oneonta, and shall not be subject to taxation by the government of said city. Signed by
Exempt from
city tax

Approved February 10th, 1899.

No. 441)

AN ACT

(H. 623

To fix and prescribe the necessary recommendations for obtaining a license to retail spirituous, vinous or malt liquors in Cleburne County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That no license must be granted to sell spirituous, vinous or malt liquors in the County of Cleburne, State of Alabama, unless the applicant for such license produce to the judge of probate of said county or the person authorized by law to grant such license, the recommendation of a majority of the qualified electors residing in the election precinct where such person desires to retail such spirituous, vinous or malt liquors: Provided, That the poll list for the precinct for the last general election next preceding the application for such license, shall be sufficient to show that the signers of such petition were qualified voters. Requisite for
liquor license

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act as to the necessary recommendation for obtaining the license above mentioned, be, and the same are hereby, repealed. Repeal

Approved February 10th, 1899.

No. 442)

AN ACT

(H. 594)

To preserve order at the Mount Vernon Camp
Ground in Fayette County, Alabama.

Rights of tent
holders

Section 1. Be it enacted by the General Assembly of Alabama, That the bona fide tent holders of Mount Vernon camp ground or the majority of them, shall have the right to pass such by-laws, ordinances, rules and regulations as they may deem proper to preserve order; and to regulate or prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors or any disorderly conduct whatever within one mile in all directions from said camp ground.

Arrest and
trials of
offenders

Sec. 2. Be it further enacted, That the said bona fide tent holders shall have the right to appoint as many marshals or policemen as in their judgment may be necessary, whose duty it shall be to arrest all offenders of any of the provisions of this act, or of any of the provisions of any by-law or ordinance that may be passed by said board of tent holders, and carry such offenders before the intendant, hereinafter provided, for trial, and to do and perform any and all duties that may from time to time, be prescribed by any by-law or ordinance of said tent holders of said camp ground.

Intendant
and his
duties

Sec. 3. Be it further enacted, That a suitable person as intendant shall be appointed or elected by said tent holders, whose duty shall be to try all offenders brought before him charged with a violation of any of the provisions of this act, or any by-law or ordinance that may be passed by said tent holders; and during the period of the holders of camp meeting at said camp ground, and for two days prior to the commencement thereof and for two days after the conclusion of such stated camp meeting, the marshals or policemen appointed under this act shall be clothed with all the powers of sheriff so far as the two square miles of territory herein described is concerned, and the intendant in like manner shall have the powers of a magistrate:

Powers of
officers

Provided, That before entering upon their duties said policemen and intendant shall take the oath of office required by the Constitution and laws of this State.

Sec. 4. Be it further enacted, That said board of bona fide tent holders, shall have the right to pass and enact such by-laws and ordinances as may be necessary to enforce the powers herein granted, for their own government not contrary to laws of this State as the restrictions herein impose, and the same to amend and repeal from time to time as circumstances may require; prevent and remove all nuisances, at the expense of the person causing the same, found within one mile of said camp ground; to restrain and prohibit gaming, disorderly conduct, and breaches of the peace, and to impose fines not exceeding fifty dollars and imprisonment not exceeding five days for violation of these by-laws and ordinances; and to enforce the collection of such fines by execution against the property of the offender or his sureties: Provided, That before any of such by-laws, ordinances, rules and regulations shall be of force they must be published at least one entire day, by posting copies thereof at three conspicuous places on said camp ground.

Sec. 5. Be it further enacted, That any person violating any law or by-law of said camp ground shall, upon conviction, be fined not less than one, nor more than fifty dollars, or be imprisoned, at the discretion of the intendant, not to exceed five days.

Sec. 6. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved February 10th, 1899.

No. 443)

AN ACT

(H. 564

To incorporate the Jamesville Stock Law District, for the purpose of preventing stock from running at large in said district, situated in Bibb County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That all male persons who are of

Stock district

Commis-
sioners

sound mind, twenty-one years of age, and own land within the territory situated in Bibb county, Alabama, and described as follows: Beginning at the point where the range line between Ranges nine and ten (9 and 10), of Township twenty-three, north, Range 10, east, crosses the Cahaba river, and going around the land of S. D. Logan and south of the said creek to the line of T. T. Avery's land and along said T. T. Avery's line to the northeast corner of Section 15, Township 23, Range 9, east, thence west to the northwest corner of said section, thence south to the northeast corner of Section 28, Township 23, Range 9, east, thence west along the northern boundary line of Sections 28 and 29 of said township and range to the upper Haysop bridge, known as the Thompson bridge, thence up said creek to where it crosses the line between Sections 11 and 12, Township 23, Range 8, east, thence south to the northeast corner of Section 35, Township 23, Range 8, east, thence west one mile, thence south to Affonee creek, thence down said creek to Jerry Yeagers' land line, thence west along said north line of Jerry Yeager to the northwest corner of Miss Charity Meggs land, thence south to the Blue Girth creek, thence down said creek to the bridge across said creek on the Marion and Centerville road, thence along said road to the Perry county line, thence east along said county line to the Cahaba river, thence up said river to the place of beginning, are hereby constituted a corporation and body politic. T. T. Avery, J. P. Harris, J. E. James, James Murphy and T. H. Logan are hereby made a board of commissioners of said district, who shall hold office for four years, beginning at the time of their first meeting herein mentioned; and until their successors are elected and qualified; said commissioners, or those who are willing to act as commissioners as herein set forth, shall meet at Jamesville precinct in said county, on the first Monday in March, 1899, and organize by the election of a president and secretary and treasurer, who shall hold office for four years, and until their successors are elected and qualified. The president

shall preside at the meetings and discharge such other duties as the board may prescribe. The secretary shall keep an accurate record of the proceedings of said board. The treasurer shall receive, keep and disburse all funds of said corporation, and he and the secretary shall perform such other duties as the board shall prescribe. Vacancies on said board shall be filled by the remaining members of said board. Thirty days before the expiration of the term of office of said commissioners, the president and secretary of said board shall give notice by posters placed at three public places in said district, of an election to be held and of the time and place thereof, at Jamesville precinct for the election of five commissioners to hold office for next four years; and in the same manner each four years thereafter; said election shall be conducted by said commissioners, or such of them as may be present, and shall open at the hour of 10 a. m. and continue open until 12 m., on the first Monday of January, and shall be conducted under such rules and regulations as the commissioners may prescribe, and shall announce the result of said election by posters put up at said precinct. As soon as practicable and convenient after said election, the retiring president shall call together the new commissioners, and he assisted by the retiring secretary, shall organize the board of new commissioners.

Election

Sec. 2. Be it further enacted, That said board of commissioners is hereby organized to consruct along the boundary of the territory above described a lawful fence. When said fence is completed, said commissioners shall inspect the same, and the president of said board shall give notice for two weeks by posters put up at three public places in said territory of the completion of said fence. Thereafter it shall be unlawful for any stock to run at large within said territory.

Lawful fence

Sec. 3. Be it further enacted, That the term stock where it occurs in this act shall be held to include horses, mares, mules, jacks, jennies, colts, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, hogs, shoats and pigs.

Stock

Annual dues Sec. 4. Be it further enacted, That for the erection of the fences provided for above, said commissioners shall have authority to ascertain the value as assessed for State and county purposes of the real estate situated in said district, which belongs to every person who owns land in said district to collect from such person or persons on the third Monday in January of each year, as annual dues, one-fourth of one per cent. of the value of such persons real estate in said district, for two years, and after that one-eighth of one per cent. of such value; the money so collected shall be used for the erection and repairs of said fence.

Damages Sec. 5. Be it further enacted, That for any damage done by stock running at large in the above described territory the owner shall be liable to the injured party for the actual damage done, to be recovered by suit before any Court having jurisdiction, and any such judgment recovered shall be a lien on the stock so committing the damage and the execution shall be directed to be levied on the property committing the damage to be pointed out by the plaintiff, as well as other property of the defendant if such stock is insufficient to pay the judgment.

Trials Sec. 6. Be it further enacted, That the prosecution and civil actions provided for in this act may be tried before any justice or notary public, with justice jurisdiction in the beat where the offense or damage occurs, and the amount of the damage does not exceed fifty dollars. If the justice and notary public of the beat in which the damage is done, by reason of relationship or interest, or in case of vacancy in such offices, then such for any legal reason, trials and prosecutions shall be had in any adjoining beat in said county free from such objection. For such trials and prosecutions, said justice Court shall always be open, but three days notice shall be given to the opposite party before he is put on trial.

Taking up Sec. 7. Be it further enacted, That whenever any damage herein mentioned in this act has occurred it shall be lawful for the injured party to confine

so much of the stock causing such, if taken up while such damage is being done, or before such stock has left his premises, or while being pursued from said premises, and hold such stock until the damage caused by the same are paid by the owner, if the amount thereof is agreed on by the parties, if they disagree and the injured party of such disagreement may institute suit for such damage in three days. He shall still be authorized to hold said stock until the trial is had, unless the owner gives bond with sufficient security, payable to the injured party, in the sum of twenty-five dollars, conditioned to pay such judgment as may be rendered in such case against him in fifteen days from its rendition, in the trial of such cause, if the plaintiff recovers, judgment shall be rendered for the cost of keeping such as well as the damage and fees hereinafter provided, as well as the Court costs in the suit. But if the defendant has tendered the bond herein provided for to the injured party, and in the discretion of the Court trying said cause, the security is sufficient, and the plaintiff refuses to accept the same, the defendant shall not be liable for the cost of keeping said stock, after such bond was tendered, and all suits under this act for damages shall be barred unless commenced in ninety days from the time such damage is committed.

Sec. 8. Be it further enacted, That the commissioners of said district shall have the right to establish or authorize other persons to establish, within said district, pounds, in such numbers and at such places as said commissioners may select, and to prescribe rules and regulations for the conduct of such pounds. Pounds

Sec. 9. Be it further enacted, That for taking up animals under this act, the following fees shall be allowed: For taking up each horse, mule or ass, one dollar, each cow or hog, fifty cents; each goat or sheep, twenty-five cents, and one-half such sums for each day such animal or animals are kept by the taker-up: Provided, That young animals incapable of damaging crops, shall not be charged for, and that the taker up or his agent, shall not be liable Fees

for injuries to animals or for the escape thereof, except in such cases of willful neglect or when the injury is intended.

Refusal to pay Sec. 10. Be it further enacted, That if any person owning land in said district shall refuse or fail to pay on said day, or within five days thereafter, the amount of his or her or their annual dues above provided for, then if the stock of persons who live in said district or own land therein, and have paid their annual dues, should go upon the land of such person, who has not paid as aforesaid, then such last named persons shall not have the right to impound said stock, and said stock shall not be considered as trespassing upon the land of such person not paying as aforesaid, unless such lands are enclosed by a lawful fence, and the provisions of this act shall not be considered as applicable to said lands. If the stock of any one who has not paid his annual dues as aforesaid, should go upon the lands of any person in said district who has paid his dues as above provided, then the stock of such person not paying shall be subject to all the penalties and actions as the stock of any other person within said district.

Fence Sec. 11. Be it further enacted, That the Cahaba river is hereby declared a lawful fence so far as it is the boundary of the above described district.

Appeal Sec. 12. Be it further enacted, That either party shall have the right to appeal from the judgment of the justice of the peace or notary public in any cause arising under the provisions of this act.

Payment Sec. 13. Be it further enacted, That should the owner of the stock doing damage under this act pay, or offer to pay, to the injured party the amount of the damage sustained by him before the commencement of the suit, then the said owner shall not be liable for the cost of any suit instituted against him for such damages for which he has paid, or offered to pay, before the suit was commenced.

Repeal Sec. 14. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby repealed, in so

far as they pertain to the territory described in Section 1 of this act: **Provided**, That this act shall not go into effect until a lawful boundary fence is built and gates at all public roads and at any time any part of this line fence is not in full repair, and fully up to the requirements of a lawful fence and all the gates on the roads leading into the stock law district are not in full repair, and all the gates closed, this law is not in force, and any person or persons damaging any stock or animal shall be guilty of a misdemeanor and shall be liable to the same punishment that they were before the passage of this act. Proviso

Approved February 10th, 1899.

No. 444)

AN ACT

(H. 433

To amend an act entitled "An act to constitute the Town of Warrior, a separate school district," approved February 17th, 1885.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 2 of said act be amended so as to read as follows: Be it further enacted, That the county superintendent of education of Jefferson county, Alabama, shall appoint three trustees by the 10th day of January, 1899, who shall serve for a term of two years, and thereafter appointments shall be made every two years, and said trustees shall discharge such duties as are prescribed by law for school trustees. School trustees

No. 445)

AN ACT

(H. 383

For the relief of John D. Steele, and his sureties on a certain bond executed to secure the payment of the hire of Nettie Pelt, a county convict hired out by the Commissioners Court of Greene County.

Whereas, One Nettie Pelt was convicted in the Circuit Court of Greene county of the offense of

petit larceny, and John D. Steele hired said Nettie Pelt from Greene county, and executed a bond to secure the payment of the hire agreed to be paid for the services of said Nettie Pelt, which bond was executed with sureties as required by law; and,

Whereas, In less than ten days after the said Nettie Pelt was hired by said Steele, she committed the offense of grand larceny, by stealing from the dwelling house of a neighbor, and a complaint was sworn out against said Nettie Pelt, on which she was arrested by the sheriff, and taken from the custody of said Steele, and has been convicted and sentenced to hard labor on said charge of grand larceny, and the said Steele has been entirely deprived of any services from said Nettie Pelt; therefore,

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That John D. Steele and his sureties on a certain bond executed to secure the payment of the hire of Nettie Pelt, a county convict, hired by said Steele from Greene county, be, and they are hereby released from the payment of the hire of said convict, and the Commissioners Court of Greene county are authorized and hereby required to cancel said bond, and are prohibited from enforcing the conditions of said bond.

Approved February 10th, 1899.

No. 446)

AN ACT

(H. 318

To establish a separate school district, to be known as the Collins Chapel School District, in Chilton County, Alabama.

School district

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district, to be known as the Collins Chapel School District, in Chilton county, Alabama, be, and the same is hereby established, to consist of the following territory to-wit: Commencing at the northeast corner of Beat 9, in Chilton county, running west on the

line of said beat to Bullock branch, thence south along said branch to Yellow Leaf creek, thence along said creek to a point where the section line between Sections 5 and 8, intersects said Yellow Leaf creek, thence east along said line to a point where said line again crosses said creek, thence up said creek to Turkey creek, thence up Turkey creek to the northeast corner of Beat 9, Chilton county, at the point of beginning.

Sec. 2. Be it further enacted, That the educational affairs of said school district shall be under similar control as that of the township districts of the State, and shall be managed by three trustees, who shall be appointed by the county superintendent of education.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved February 10th, 1899.

No. 447)

AN ACT

(H. 285

To increase the fees of constables in Beats 9, 2, 40, 41, 8 and 3, in Jefferson County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That constables in Beats 9, 2, 40, 41, 8 and 3, in Jefferson county, Alabama, shall after the passage of this act, receive for his services the following fees, to-wit: Fees in Civil Cases— For serving summons, \$.75; for serving subpoena on each witness, \$.35; levying attachment, amount less than \$50.00, \$1.25; levying attachment, amount more than \$50.00, \$1.50; levying execution, amount less than \$50.00, \$1.00; levying execution, amount more than \$50.00, \$1.25; for making money under execution, 2 per cent., but in no case less than .75; for serving notice on each party therein named, .35; for serving scire facias, or notice in nature thereof, .75; for taking bail or other bond required by law, .50; for services in forcible entry and de-

Constable
fees in civil
cases

Fees in criminal cases

tainer, and in unlawful detainer same fees as in other cases; for collecting in garnishment, insolvent or defaulting tax payers, same as in other cases; for services in cases of arbitration under the Code, the customary fees; for executing subpoena which must be paid jointly by the parties, unless the arbitrators otherwise decide; for keeping property levied on, such sum as the justice of the peace may order, to be paid out of the money in the hands of the constable arising from the sale. Fees in criminal cases—Executing search warrant by day, \$1.50; executing search warrant by night, \$2.00; executing any other warrant, \$1.00; for serving each subpoena or notice issued by the justice of the peace, .35; for carrying a person before a magistrate under a warrant of arrest, or for preliminary trial, or to jail when committed thereto for himself and each guard, to be proved by his own oath, for each mile, .10.

Other fees

Sec. 2. Be it further enacted, That whatever fees under the Code constables are entitled to, not enumerated herein, shall remain in full force and effect, and this act shall not be construed in anywise as repealing the same.

Repeal

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be, and they are hereby, repealed.

Approved February 10th, 1899.

No. 450)

AN ACT

(H. 846

To authorize the City of Sheffield, Alabama, to grant exemption from municipal taxes to manufacturing establishments operating in said city.

Authority of city council

Section 1. Be it enacted by the General Assembly of Alabama, That the city council of Sheffield, Alabama, is hereby authorized and empowered to exempt from municipal taxation all property, real and personal, used in the business of manufacturing establishments operating in said city, for a period not to exceed ten years from the date of said ex-

emption: Provided, That this exemption shall not apply to any of the property of persons, companies or corporations directly or indirectly interested in the sale of any character of merchandise other than the product of such manufacturing establishments, respectively. Proviso

Approved February 15th, 1899.

No. 451)

AN ACT

(H. 1167

To establish a separate school district in Randolph County.

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district, to be known as the Hobson school district, be established subject to the public school laws of the State of Alabama, to be composed of the following territory viz: Beginning at the southwest corner of Section nineteen (19), Township twenty (20), Range twelve (12), running east three and one half miles to the southeast corner of southwest quarter of Section twenty-two, Township twenty, Range twelve, thence north to Wedowee creek; thence down said creek to mouth of Green's creek; then running up Green's creek to township line; thence along said township line to starting point. School district

Sec. 2. Be it further enacted, That there shall be five trustees in and for said school district who shall be resident citizens and freeholders in said district, and who shall hold their term of office from the 15th day of March, 1899. Trustees

Sec. 3. Be it further enacted, That U. S. Shelurst, J. C. Grant and W. B. Johnson shall constitute a board to hold an election at some public place in said district to choose four trustees for said school district, after they have first given ten days notice of the time and place of holding the same by posting notices of said election at three public places in said district: Provided, That such election is held without expense to Randolph county, Election

or the funds of said school district. On the day appointed for such election the persons above named or any two of them shall cause such election to be held by ballot within the hours advertised for said election, and at the hours advertised in the notices of said election for the same to close, shall close the election and announce the result of the same, and certify the names of the persons elected to the county and State superintendent of education.

Appointment Sec. 4. Be it further enacted, That the county superintendent of education of Randolph county shall appoint one trustee for said school district.

Term Sec. 5. Be it further enacted, That the trustees so elected and appointed shall hold office until the 15th day of March, 1901, or until their successors are elected and appointed and qualified; that none but a free holder, who shall also be a qualified elector, shall be eligible to be elected as a member of said board of trustees, and no one shall be allowed to vote at the election of said board who is not a qualified elector under the laws of the State. The trustees shall receive no compensation for their services, except such privileges and benefits as are by law given to township trustees, and shall hold said office for two years.

Elections Sec. 6. Be it further enacted, That within ten days before the 15th day of March, 1901, the board of trustees of said district shall appoint three persons in said district to hold an election for trustees of said school district for the ensuing two years, of which notice shall be given as provided in Section 3 of this act, and which election, and all subsequent elections, shall be held according to the provisions of Section 3 of this act.

School Sec. 7. Be it further enacted, That one school for white children be established near the center of said school district, and that all school moneys belonging to said school district, including poll tax from white poll tax payers, be applied to the school in said district, and that but one school for white children be established in said district.

Sec. 8. Be it further enacted, That said school district shall be entitled to receive its proportionate

share of all funds raised or appropriated by the State, or county, for public schools, and its proportionate share of the sixteenth section funds, and all funds which may be donated thereto. School funds

Sec. 9. Be it further enacted, That this act shall take effect on and after its passage.

Approved February 15th, 1899.

No. 452)

AN ACT

(H. 917

To prescribe the duty of tax collector in collecting taxes in Pike County, and to repeal Sections 4003, 4004, 4005 and 4007 of the Code as to Pike County.

Section 1. Be it enacted by the General Assembly of Alabama, That the tax collector of said county shall have his office at the county seat of his county for the purpose of collecting State and county taxes, and shall keep his office open for that purpose from the first day of October until the first day of March, and all taxes due the State and county must be paid to him, at his said office, and if not paid by the thirty-first day of December in each year, the same shall be delinquent and the collector shall proceed forthwith as required now by law to collect delinquent taxes. Duty of tax collector

Sec. 2. Be it further enacted, That Sections 4003, 4004, 4005 and 4007, and all laws conflicting with this act be, and the same are hereby, repealed: Code, Sec's repealed as to county
Provided, This act shall only apply to Pike county.

Approved February 15th, 1899.

No. 453)

AN ACT

(H. 1112

For the relief of the sureties on the official bond of Allen F. Johnston, ex-tax collector of Escambia County.

Section 1. Be it enacted by the General Assembly of Alabama, That E. M. Lovelace, H. T. Parker,

Relief

Martin Lindsay and J. E. Martin, be, and they are hereby, relieved from the payment of one half of the amount of four thousand two hundred and fifty dollars, due by them to Escambia county, on the official bonds of Allen F. Johnston, ex-tax collector of said county, under a written agreement and contract, made with the Commissioners Court of said county.

Payment in
full satisfaction

Sec. 2. Be it further enacted, That the payment by them of said one-half to-wit, two thousand one hundred and twenty-five dollars, to the treasurer of Escambia county, shall be in full satisfaction and discharge their obligation under said tax collectors official bonds, and under the stipulations of their said agreement with the Commissioners Court of said county; and the Court of County Commissioners of said county are hereby authorized and directed to make settlement with said main sureties in accordance with this act, by directing the treasurer of said county to give his receipt in full for said amount or draw its warrant in their favor for any excess of said amount which they may have paid into the county treasury.

Duty of commissioners
court

Approved February 15th, 1899.

No. 455)

AN ACT

(H. 996)

To relieve Joseph Lambert, as tax collector of Wilcox County, Alabama, by refunding to him the money lost by him, as said tax collector, by the failure of the Commercial Bank of Selma, Alabama, and by him paid into the treasury of the State of Alabama, and into the treasury of Wilcox County, Alabama.

Whereas, Joseph Lambert, as tax collector of Wilcox county, Alabama, deposited in the Commercial Bank of Selma, Alabama, between the 5th and the 27th days of December, 1896, to his credit as "tax collector of Wilcox county," the sum of five thousand, two hundred, eighteen dollars and

sixty-four cents, (\$5218.64); and, whereas, the said Commercial Bank of Selma, on the 30th day of December, A. D., 1896, failed, owing the said Joseph Lambert, as "tax collector of Wilcox county," the said sum of five thousand, two-hundred, eighteen dollars and sixty-four cents (\$5218.64); and, whereas, of the said sum of five thousand, two hundred, eighteen dollars and sixty-four cents (\$5218.64) lost by the said Joseph Lambert as "tax collector of Wilcox county," by the failure of the said Commercial Bank of Selma, the sum of three thousand, seven hundred, forty-four dollars and ninety-five cents (\$3744.95) belonged to the State of Alabama, for taxes collected by said Joseph Lambert, and one thousand, four hundred, seventy-three dollars and sixty-nine cents (\$1473.69) belonging to Wilcox county for taxes collected by said Joseph Lambert; and, whereas, the said Joseph Lambert has collected from the assignees of the Commercial Bank of Selma as dividends the sum of one thousand, one hundred, sixty-four dollars and thirty-eight cents, (\$1164.38); that of the sum so collected from said assignees eight hundred and thirty-five dollars and fifty-eight cents (\$835.58) were dividends on the money belonging to the State of Alabama, and three hundred and twenty-eight dollars and eighty cents (\$328.80) were dividends on the money belonging to the County of Wilcox; and, whereas, the said Joseph Lambert, has, under the instruction of his Excellency, the Governor of Alabama, paid into the treasury of the State of Alabama, including the dividend of eight hundred, thirty-five dollars and fifty-eight cents (\$835.58) paid by the assignee the sum of three thousand, seven hundred, forty-four dollars and 95 cents (\$3744.95) the whole amount that belonged to the State of Alabama, which was lost by the failure of the said Commercial Bank of Selma, and has paid into the county treasury of Wilcox county, including the dividends of three hundred, twenty-eight dollars and eighty cents (\$328.80) paid by the assignees of said Commercial Bank of Selma, the sum of one thousand, four hundred, seventy-three dollars and sixty-nine cents

(\$1473.69), the whole amount belonging to the County of Wilcox that was lost by the failure of the said Commercial Bank of Selma; therefore,

Appropriation of Alabama, That the auditor of the State of Alabama be, and he is, hereby instructed to draw his warrant on the treasurer of the State of Alabama in favor of the said Joseph Lambert for the sum of two thousand, nine hundred and nine dollars and thirty-seven cents (\$2909.37) the amount paid by the said Joseph Lambert out of his own funds into the State treasury for the money lost by the State of Alabama, by the failure of the Commercial Bank of Selma.

County Sec. 2. Be it further enacted, That the treasurer of Wilcox county be and he is hereby instructed to pay the said Joseph Lambert the sum of one thousand, one hundred and forty-four dollars and eighty-nine cents, the whole amount paid by the said Joseph Lambert out of his own funds into the county treasury of Wilcox county, Alabama, on account of the failure of the Commercial Bank of Selma.

Dividends Sec. 3. Be it further enacted, that any dividend or dividends hereafter declared by the assignees of the said Commercial Bank of Selma on the \$5218.65 deposited in said bank by said Joseph Lambert as "tax collector of Wilcox county," shall be paid by the said assignees to the treasurer of the State of Alabama, and the treasurer of Wilcox county. That the amount or amounts of said dividends so hereafter declared shall be divided between the State of Alabama and Wilcox county in the ratio of \$3744.95 (that part of the \$5218.64 belonging to the State of Alabama) to \$1473.69, that part of the \$5218.64 belonging to Wilcox county.

Approved February 21st, 1899.

No. 456)

AN ACT

(H. 1174)

To regulate the fees of constable of Beat 7, Tallapoosa County.

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the Decatur fees of bonded constable of Beat 7, Tallapoosa county, shall be the same as sheriff fees when performing the same or like services. Fees

Sec. 2. Be it further enacted, That the bonded constable of Beat 7, Tallapoosa county, shall have the power to appoint a deputy constable for said beat, who shall be authorized to perform any and all duty now required of said constable, except to sell property. Deputy

Approved February 15th, 1899.

No. 457)

AN ACT

(H. 941)

To ratify and confirm the incorporation of the Decatur Light, Power and Fuel Company, and to enlarge its powers.

Section 1. Be it enacted by the General Assembly of Alabama, That after the passage of this act, the Light, Power and Fuel Company, a corporation organized under the general laws of the State of Alabama, in the Probate Court of Morgan county, be, and the same hereby is in all things ratified and confirmed. Ratified

Sec. 2. Be it further enacted, That said corporation shall have power and authority to hold directors and stockholders meetings, both general and special, without the State of Alabama, upon the notice and in the manner prescribed by the general laws of Alabama for the holding of directors and stockholders meetings within the State of Alabama. Meetings

Proceedings

Sec. 3. Be it further enacted, That all such meetings as may be held under the provisions of this act without the State of Alabama, the officers of such meetings shall transmit a true and correct copy of the proceedings thereof to the officers of said company of its principal place of business in New Decatur, Alabama, within thirty days thereafter, where the same shall be open to the inspection of all parties entitled to the inspection thereof in the same manner as if the said meetings were held within the State of Alabama.

Approved February 15th, 1899.

No. 458)

AN ACT

(H. 898

To procure for the children of Madison County more efficient public instruction.

County ap-
propriation

Section 1. Be it enacted by the General Assembly of Alabama, That at the regular term of the Court of County Commissioners of Madison county, Alabama, in April, 1899, and thereafter at the first regular term in January of each year, the Court of County Commissioners may appropriate and set apart, if they deem it to the best interests of the county, from the general fund of Madison county, Alabama, not already appropriated, a sum not to exceed one hundred and fifty dollars, which said sum shall be set apart by the treasurer of Madison county, and placed subject to the order of the county superintendent of education, payable on warrants drawn by said county superintendent of education, when countersigned by the judge of probate of Madison county, Alabama.

County Nor-
mals

Sec. 2. Be it further enacted, That the sum appropriated and set apart if any shall be exclusively expended in holding county normals at such times and places as the county superintendent of education may deem most expedient for the instruction of teachers of public schools in Madison county, Alabama, in pedagogies, and all other branches of

education as the county superintendent of education may deem practicable.

Sec. 3. Be it further enacted, That the county By-laws superintendent of education of Madison county shall formulate and employ such by-laws and regulations governing the holding of normals as his discretion and experience may suggest.

Approved February 15th, 1899.

No. 459)

AN ACT

(H. 466

To fix the salary of the health officer of Elmore County and to provide for the payment of the same.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the annual salary of the health officer of Elmore county shall be the sum of two hundred dollars, payable semi-annually, \$100.00 on January 1st and \$100.00 on July 1st. Annual salary

Sec. 2. Be it further enacted, That said salary shall be paid from the county treasury of said county, on the warrant of the judge of probate, out of any money not otherwise appropriated: Provided, That the health officer of said county shall have performed his duties as now required by law. Payment of

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed. Repeal

Approved February 15th, 1899.

No. 460)

AN ACT

(H. 425

To relieve Robert and Gipsev Blue, minors, seventeen and nineteen years of age, respectively, from disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That Robert and Gipsev Blue, of Cof-

Relief

fee county, minors, whose ages are seventeen and nineteen respectively, be and are hereby relieved from the disabilities of non-age, and are hereby vested with the right to sue and be sued, contract and be contracted with, to levy, sell and convey real and personal property, and generally to do and perform all acts which such minors could lawfully do if twenty-one years of age.

Approved February 15th, 1899.

No. 461)

AN ACT

(S. 435)

To amend an act entitled "An act to establish the Tuskaloosa County Law and Equity Court," approved December 9th, 1896, by amending Sections 5, 6, 8, 9 and 28, and by adding Sections 34 and 35.

Amendment
to Sec. 5

Section 1. Be it enacted by the General Assembly of Alabama, That Sections 5, 6, 8, 9, and 28 of an act entitled "An act to establish a Tuskaloosa County Law and Equity Court," be amended so as to read as follows: "Sec. 5. Be it further enacted, That said Court shall be held at the courthouse of Tuskaloosa county, or such place as may be designated by the presiding judge thereof; that said Court shall hold two regular terms in each year, the first beginning the first day of January and continuing until the first day of July of each year, the second term beginning the first day of July and continuing till the first day of January next following. During the regular terms of such Court the judge thereof may take such recesses and adjournments, from time to time, as may to him seem proper, and may hold any special term or session of such Court when he may deem it necessary or proper. The judge of said Court shall have power to make and adopt all such rules of practice and proceedings for such Court as he may deem proper, and to amend the same as he may desire, such rules to be entered upon the minutes of the Court,

and may be changed or amended by the Supreme Court of the State; and if the judge of the Court shall not appear on the first day of any term of the Court, or succeeding days, the Court shall stand adjourned from day to day, till the judge does appear. Sec. 6. Be it further enacted, That in the absence of any special jury law, for the County of Tuskaloosa, that the grand and petit juries for said county, shall be drawn, impaneled and sworn as juries are, and may be, in the Circuit Courts of said county. But in case of a special jury or provision law for Tuskaloosa county, the juries for said Court may be drawn, impaneled and sworn according to such special law or provision: Provided, however, That the judge of said Court may order two or more juries to be drawn, summoned, impaneled and selected for any term, and for any purpose, and for any number of days, whenever, in the discretion of the judge, it may be necessary. Sec. 8. Be it further enacted, That in the trial of every case, both civil and criminal, on complaint or indictment, of which this Court has jurisdiction, each and every person or party to said cause shall be entitled to a trial by jury: Provided, That in misdemeanor cases said Court shall try both the law and the fact, except when trial by jury is demanded by the defendant in writing, and filed with the clerk of said Court within ten days after he is arrested or taken into custody, or after the Court herein established assumes jurisdiction of said cause; provided further, that in all cases in this Court, the sum of five dollars shall be taxed as costs in addition to the other costs now or hereafter allowed; and, in the trial of criminal cases, in addition to the other items of costs, the sum of five dollars shall be taxed as costs, and said respective sums, when collected, shall be paid into the county treasury of Tuskaloosa county and placed to the general fund of the county; and, provided further, that in divorce cases, and in cases on the equity side of the docket, where the amount involved is not over one hundred dollars, no tax fee shall be charged. Sec. 9. Be it further enacted, That all

Amendment
to Sec. 6

Amendment
to Sec. 8

Amendment
to Sec. 9

criminal causes, now or hereafter pending in the Circuit Courts of Tuskaloosa county, may, on the agreement of the defendant or his counsel, and the solicitor of the Circuit Court, be transferred to this Court for trial; and that all civil causes, now or hereafter pending in the Circuit or Chancery Courts of Tuskaloosa county, may, on agreement of all parties, or their attorneys, be transferred to this Court for trial. Such agreement must be in writing, and filed with the clerk or register of the Circuit or Chancery Court, whereupon such officers shall certify and transfer such papers to the docket of this Court, and file therein all the original papers, together with certified copies of all docket and minute entries in said causes, and thereupon this Court shall acquire exclusive jurisdiction of such causes so transferred: Provided, That on the removal of said causes to this Court from the Circuit or Chancery Courts, a jury shall be considered waived, unless a jury is demanded at the time of agreement or transfer of such cause by some one of the parties or the attorneys to the cause. Sec. 28. Be it further enacted, That no defendant shall be put upon trial for any offense which may be punished capitally, within five months from the time of the commission of the alleged offense, unless the defendant consent thereto in writing for a trial within a shorter time."

Amendment
to Sec. 28

Name and
style of
court

Jury trial
when case is
remanded

Sec. 2. Be it further enacted, That said act be amended by adding thereto the following sections: "Sec. 34. Be it further enacted, That the name and style of this Court shall hereafter be known and designated as 'The Tuskaloosa County Court,' instead of the 'Tuskaloosa County Law and Equity Court,' as heretofore named and styled. Sec. 35. Be it further enacted, That when any case on the law side of the docket which is tried by the Court without a jury is reversed by the Supreme Court on appeal as to the finding of the judge, as to the facts in such case, and the case is remanded, either party may, within ten days thereafter, demand a jury trial thereof, when the case must be transferred to the jury docket, and stand for trial at the

next jury term thereafter, such demand to be made in writing and filed with the papers in the case."

Approved February 15th, 1899.

No. 462)

AN ACT

(S. 144

To constitute the probate judge, sheriff and clerk of the Circuit Court of St. Clair county a board of jury commissioners.

Section 1. Be it enacted by the General Assembly of Alabama, That the probate judge, sheriff and clerk of the Circuit Court of St. Clair county are hereby constituted a board of jury commissioners for St. Clair county; and they are hereby authorized and required to do any and all acts in and about the making of jury boxes, and drawing grand and petit juries for said county, that are now required by law of the commissioners, without compensation.

Board and
authority

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Repeal

Approved February 15th, 1899.

No. 464)

AN ACT

(H.1090

To provide for the lease of county convicts of Wilcox and Washington counties.

Section 1. Be it enacted by the General Assembly of Alabama, That the board of revenue or Court of County Commissioners of Wilcox and Washington counties at their regular meeting in November of each year shall lease or hire out to the highest bidder all convicts who may be sentenced to hard labor for the county during the succeeding year, after first giving notice by publication for three

Hire out
county con-
victs

successive weeks in some newspaper published in said counties.

Repeal Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 17th, 1899.

No. 466)

AN ACT

(S. 365

To authorize the City of Calera to aid in the building a courthouse and other county buildings for the County of Shelby, at Calera.

Election Section 1. Be it enacted by the General Assembly of Alabama, That it shall be lawful for municipal authorities at Calera to order and hold an election of the qualified voters of the City of Calera at such time and under such restrictions as they may provide, upon the question of assisting in the providing of suitable county buildings for the County of Shelby, in the event of the location of the county site of said city, by the issuing of bonds of said city to be used for that purpose.

Subscription Sec. 2. Be it further enacted, That in the event said election shall be held in favor of such aid being given, it shall be lawful for the said municipal authorities to make a subscription for the said city of a sum not to exceed seven thousand dollars, to be used for the purpose mentioned in the first section of this act, and to lodge any part of the same with the Court of County Commissioners for said county.

May issue bonds Sec. 3. Be it further enacted, That upon an election being held to determine the location of the county site of said county, and upon its result being in favor of a removal to the City of Calera, it shall be lawful, and it shall be the duty of the municipal authorities of the City of Calera to issue the bonds of the City of Calera, to an amount not exceeding seven thousand dollars and running not longer than twenty years, and bearing six per cent. interest,

payable semi-annually, and to sell the same at not less than par, and with the proceeds to pay such subscription or any part of it or use the full amount in aiding in erecting said buildings.

Sec. 4. Be it further enacted, That to pay the interest coupons of such bonds as they fall due, and to provide for the payment of the principal of said bonds at maturity, it shall be lawful for the municipal authorities of the City of Calera to levy and collect a sufficient annual tax, within the constitutional limit, upon the real and personal property within said city. And the interest coupons of said bonds, and the bonds themselves shall be received in payment for any taxes levied for their payment. Special tax

Approved February 15th, 1899.

No. 467)

AN ACT

(S. 91

To make the fees of bonded constables in the counties of Madison, Escambia, Coffee and Geneva the same as sheriffs fees when they perform the same or similar services.

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act the fees of bonded constables in the counties of Madison, Escambia, Coffee and Geneva shall be the same as sheriffs fees when they perform the same or similar services, except in civil causes, in which the amount in controversy is less than twenty dollars. Fees

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed, as to the said counties of Madison, Escambia, Coffee and Geneva. Repeal

Approved February 15th, 1899.

No. 469)

AN ACT

(S. 327)

To repeal sub-division 31 of section 4122 of the Code of 1896, so far as it relates to the County of Bibb.

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That sub-division 31 of section 4122 of the Code of 1896 be, and the same is hereby repealed, in so far as the same relates to the County of Bibb: Provided, this act shall only repeal sub-division 31 of section 4122 of the Code of 1896, in so far as the same relates to meats, fish or oysters, farm produce, vegetables, etc., chickens, eggs and butter.

Approved February 15th, 1899.

No. 470)

AN ACT

(S. 156)

To establish a charter for the Town of Dundee, Geneva county, Alabama.

Corporate
limits

Section 1. Be it enacted by the General Assembly of Alabama, That the town of Dundee, in Geneva county be, and the same is hereby incorporated, and the corporate limits of said town shall be the southwest $\frac{1}{4}$ of section 20, northwest $\frac{1}{4}$ and north $\frac{1}{2}$ of southwest $\frac{1}{4}$ of section 29, north $\frac{1}{2}$ and north $\frac{1}{2}$ of southeast $\frac{1}{4}$ and northeast $\frac{1}{4}$ of southwest $\frac{1}{4}$ of section 30, and south $\frac{1}{2}$ of section 19, all in township 2, range 24, in the County of Geneva, and State of Alabama.

Election

Sec. 2. Be it further enacted, That an election shall be held in said town the first Monday in March, 1899, and on the same day in every two years thereafter, for the purpose of electing a mayor and five councilors, inhabitants of said town, who shall serve for the term of two years, and until their successors are duly elected and qualified, which election shall be held by any three discreet

householders of said town whom the board of mayor and councilors may appoint for that purpose: Provided that until the first Monday in March, 1899, the officers of said town shall be elected, qualified and appointed as heretofore provided under the old incorporation. It shall be the duty of the said mayor to preside at all meetings of the councilors and preserve order and decorum, and in his absence or incapacity any councilor may be called to the chair; and the mayor and councilors shall be, and they are hereby declared and constituted a body politic and corporate by the name and style of mayor and council of the town of Dundee, and by that name they and their successors in office shall be capable in law of suing and being sued, of pleading and being impleaded in all manner of suits, either in law or equity, and they shall have power and authority to keep a common seal, and the same to break, alter and amend at pleasure, and in general to do and perform all acts which are usually incident to bodies corporate; to purchase, use, hold or dispose of, for the benefit of said town, real or personal property to the value of five thousand dollars.

Sec. 3. Be it further enacted, That the said corporation shall have power to pass by-laws and ordinances necessary to carry into effect the general powers granted by this act, and also such as may be necessary to preserve the health of said town; to prevent and remove nuisances; to suppress gaming of every description; to establish, alter and open new streets and alleys; to provide for licensing, taxing, regulating and restraining theatrical amusements, shows and exhibitions of every description, and fairs, suppers, festivals and such like when anything is offered for sale; to restrain and prohibit every species of drunkenness, profane swearing, obscene language, assaults and batteries, and all other breaches of the peace which would be a violation either of common law or the criminal statutes of Alabama; to clear and remove obstructions from and keep in repair the streets and alleys of said town; to have a general superinten-

Powers

dence and control over the wells of said corporation; to erect and regulate markets; to preserve and protect public buildings and property in said town; to grant license to retailers and wholesalers of spirituous, vinous or malt liquors, cigarettes and morphine, and to regulate, prohibit and restrain them when deemed expedient; and the said corporation shall have full power and authority to alter, amend, repeal or revoke at pleasure all by-laws, and to put in execution all by-laws that may be in force. The said corporation shall have power to appoint a treasurer and assessor and tax collector, a marshal, a superintendent of streets, and such other subordinate officers as they may deem necessary; and, by ordinance, to require such security from the several officers so appointed to annex such fees to the several officers, to impose such fines for neglect of duty in office as they shall deem necessary; and they are hereby empowered to lay and adjudge and collect by execution or other legal process such fine or fines for a breach or breaches of their by-laws as they may deem proper; to levy and collect taxes on all property, both real and personal, at a rate not higher than one-half of one per centum of the value thereof; and to sell real estate or personal property for the payment of said taxes in the same manner as prescribed by the Code of Alabama for the sale of real estate for the payment of taxes due the State within said corporation for the defraying of the expenses of the same; to prevent the introduction of contagious or infectious diseases within the limits of said town.

Sec. 4. Be it further enacted, That when a fine or fines shall be imposed upon any person or persons for any breach of the ordinances or by-laws of said town, and the same, together with the cost, be not immediately paid or secured, by confession of judgment, as provided in the State under the Code of Alabama, such person or persons shall be sentenced to hard labor upon the streets of said town for a sufficient length of time to pay such fine and cost at the rate of not more than two dol-

lars per day, to pay the fine at a rate of forty cents per day to pay the costs, and it shall be the duty of the corporate authorities to require such person or persons so sentenced to hard labor, when not employed at such hard labor, to be securely kept confined in the calaboose of the town of Dundee, or other safe and secure place: Provided, Upon the payment of the said fines and costs by such convict after sentence such convict shall be released from further hard labor on the streets. Powers

Sec. 5. Be it further enacted, That the inhabitants within the corporate limits of the town of Dundee shall be exempt from working on public roads outside of the corporation; but the streets and highways within said corporate limits shall be kept in repair by the corporate authorities of said town: Provided, That any person liable to work on the streets may relieve himself of the same for any one year by paying a street tax, to be levied by the corporate authorities of said town, not to exceed five dollars; provided further, that any person not paying said street tax and failing, on notice, to work the said street, shall be proceeded against in the same manner as now provided by law for like defaults in working the public roads, and be liable to the same penalties; provided further, that no person who has been living within the limits of said corporation for ten days previous, be exempted or excused from working on said streets or paying street tax, except such as are exempted or excused under the public road laws of Alabama. Street tax

Sec. 6. Be it further enacted, That when any vacancy or vacancies shall happen in the board of mayor and councillors, by death, resignation or otherwise, such vacancies shall be filled by the board, and the member or members so added shall continue in office until the succeeding biennial election, and if there should be a failure to hold the election for mayor and councillors on the day mentioned in this act for that purpose, it shall be lawful to hold said election within one month thereafter, and the board of mayor and councillors in office anterior to every such election shall not be Vacancies

dissolved until such election shall be held, and the mayor and councillors elected and duly qualified.

Clerk

Sec. 7. Be it further enacted, That the said mayor and councillors shall appoint a clerk, whose duty it shall be to keep a fair record of their proceedings and to publish all by-laws and ordinances in some newspaper, or at three public places in said town.

Oath

Sec. 8. Be it further enacted, That the mayor and councillors first elected under this act, and their successors in office, shall, before they enter upon the duties thereof, take an oath before some officer having authority that they will faithfully discharge the duties to them committed to the best of their ability, a certificate of which shall be filed with the clerk of the board of councillors.

Electors

Sec. 9. Be it further enacted, That all persons eligible to vote under the laws of Alabama, who shall have resided within the limits of said town two months preceding an election for mayor and councillors, shall be deemed qualified electors.

Powers of
mayor

Sec. 10. Be it further enacted, That from and after the passage of this act, the mayor of the town of Dundee shall have and exercise all the rights and privileges of a justice of the peace, in all matters civil and criminal he shall perform the same duties, be subject to the same liabilities, and shall give like bond with other justices of the peace in this State, and his jurisdiction shall, in these respects, extend throughout the beat in which said town is situated; that is, he shall have power to restrain, prohibit and remove nuisances; to order the arrest of any person or persons with or without a warrant who violates any of the by-laws or ordinances of said corporation, and shall have power to deputize any by-standers, when necessary, to make or assist making such arrest; that the marshal of said town shall have power to arrest any person or persons with or without a warrant who shall violate any of the by-laws and ordinances of said corporation, and bring the same before the mayor for trial; that the said marshal, upon executing the like bond as is required of the con-

stable of the beat in which said town is situated, be entitled to exercise the powers and be subject to the same duties and liabilities of said constable.

Sec. 11. Be it further enacted, That in all cases where any person or persons shall be convicted of offenses against the by-laws and ordinances of said town, and such person or persons shall fail or refuse pay or secure to be paid the fine or fines imposed, it shall be lawful for the mayor to commit such offender or offenders to the callaboose of said town; and the marshal of said town is hereby required to receive any such offender or offenders in the callaboose of said town till the period of such imprisonment shall expire, or until he receives a certificate of the payment of the fines and costs from the mayor: Provided, The corporation shall pay the callaboose fees in all cases where they can not be collected of the offender or of the offenders, which callaboose fees shall be the same as allowed by incorporation of the town of Dundee for white prisoners.

Punishment

Sec. 12. Be it further enacted, That all fines that shall be imposed by the mayor for offences against the by-laws and ordinances of said corporation shall be paid to the treasurer of said corporation for the benefit of said town.

Fines

Sec. 13. Be it further enacted, That no person shall participate in holding of any election in said town at which he is a candidate or being voted for by his consent, but such person shall retire and his place be filled by a qualified voter of said town.

Candidates

Sec. 14. Be it further enacted, That the mayor and councillors of said town shall, ten days before the first day of February in each year, publish, in a newspaper or post at three public places in said town, a statement, in writing, sworn to by them, showing separately the amount of taxes collected during the preceding year on real and personal property the amount of street tax collected during the said term and the amount of revenues realized from all other sources, the amount paid out during said term for work on the streets, the amount paid to each officer, and all other disburse-

Statements

ments, and showing the balance, if any, remaining in the treasury.

Repeal Sec. 15. Be it further enacted, That all laws and parts of laws, so far as they contravene the provisions of this act, be, and they are, hereby repealed.
Approved February 16th, 1899.

No. 471)

AN ACT

(S. 98

To incorporate the Tribes of the Improved Order of Red Men in the State of Alabama.

Incorporated Section 1. Be it enacted by the General Assembly of Alabama as follows, viz: That the tribes now existing and those hereafter organized in this State belonging to The Improved Order of Red Men be, and the same are, hereby formed into a corporation, to be known as "The Improved Order of Red Men of the State of Alabama," and under that name, with the name of the particular tribe added, either of said tribes may be sued in the county in which it is located, and may sue, contract or be contracted with, and may buy, sell, receive as a gift, devise or legacy, and may hold and lease property, real, personal, or mixed, to a value not exceeding ten thousand dollars at any one time in any county.

Name

Rights

Contracts and suits Sec. 2. Be it further enacted, That all contracts of any of said tribes shall be signed in the name of the contracting tribe by the acting sachem thereof, and in all suits against any of said tribes service of process may be had upon any officer of the tribe sued.

May lend funds Sec. 3. Be it further enacted, That any tribe may lend its funds, secured by mortgage on real estate.

Approved February 15th, 1899.

No. 472)

AN ACT

(S. 390)

To create a separate school district in Montgomery county to be known as the Mount Meigs School District.

Section 1. Be it enacted by the General Assembly of Alabama, That the following described territory, in the County of Montgomery, lying north, south, east and west of the village of Mount Meigs, to-wit: extending north to the Tallapoosa river and about three miles south, east and west from said village, composed of one-half of township 16 and range 19, and one-half of township 16 and range 20, and the fractional part of township 17 and range 19, and township 17 and range 20, in said county, shall be and constitute a separate school district, to be known as the Mount Meigs School District, said territory being in sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33, in township 16, range 20, and sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, in township 16, range 19, and fractional sections 26, 27, 34, 35 and 36, in township 17 and range 19, south of the Tallapoosa river. School district

Sec. 2. Be it further enacted, That said school district shall receive its proportionate share of the school funds due said district, and the poll taxes collected from persons living in said district. School funds

Sec. 3. Be it further enacted, That said school district shall be under the supervision of the three trustees, who shall be elected by the qualified voters of said district, whose term of office shall be two years from March 1st, 1899, and their successors shall be elected every two years thereafter. Trustees

Sec. 4. Be it further enacted, That the superintendent of education shall appoint three trustees for said school district, who shall call and hold an election for district trustees at a time and place in said district to be designated by them. Election

Sec. 5. Be it further enacted, That said school district shall be governed and controlled in all Governed by

other respects, except as herein provided, by the general laws of the State.

Repeal

Sec. 6. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are, hereby repealed.

Approved February 15th, 1899.

No. 473)

AN ACT

(S. 302

To confirm the incorporation of the Staudard Club of Montgomery, Alabama, and to eularge the powers and capacities of said club.

Incorporation confirmed

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the Standard Club of Montgomery, Alabama, had under the general statutes of the State of Alabama, be, and the same are, hereby confirmed, and by that name may sue and be sued, and enjoy all the rights and privileges and franchises and exercise all the powers conferred by the general statutes under which said club was originally incorporated, and by this act, and by general laws relating to incorporations of like kind.

Power and authority

Sec. 2. Be it further enacted, That said club shall have full power and authority to adopt such constitution and by-laws, not inconsistent with law, as may be necessary or proper to the selection of officers or agents, and their terms of office, the number, reception, expulsion or suspension of members, the regulation of fees and dues, and the collection thereof, and generally to the government of the club and management of its business, and to amend or change the same; provided, however, that the constitution, by-laws and regulations of said club now in force shall continue of force until the same are repealed, altered or amended.

Additional powers

Sec. 3. Be it further enacted. That said club shall have the power and authority, in addition to those already conferred upon it, to lease or pur-

chase such real estate, or buildings, and to erect such buildings as may be necessary or proper for its own use; to acquire and hold such personal property as said club may see proper to acquire and hold; to operate or contract for a restaurant, to be operated; to provide and dispose of to its members cigars, cigarettes, tobacco, spirituous, vinous and malt liquors, and such disposition shall not constitute a sale thereof, but shall be held and treated as a consumption by such members of their own property; to acquire and operate for the exclusive use of its members, billiard and pool tables and gymnasiums; and rooms and apartments of said club shall be the private apartments of its members, and shall not, for any purpose, be held or treated as a public place; and to borrow money, and to secure the same by mortgages or bonds: Provided, however, That no indebtedness shall be created other than for current expenses, except by consent of two-thirds of the members of the club, given at a regular meeting, or at a meeting called for that purpose, of which meeting and of the time and place of holding the same and of the purpose for which the same is called, thirty days notice must be given to each member who is at the time in the City of Montgomery, and whose place of residence is known.

Sec. 4. Be it further enacted, That the term member, as used in this act, when used in respect to the power or authority of the club to borrow money and to execute bonds and mortgages, and to ratify any issue of bonds or other indebtedness heretofore made or incurred, shall not be construed to mean honorary or non-resident members; and the club shall have the power to prescribe the powers, rights and privileges of all honorary or non-resident members.

Definition of
member

Approved February 15th, 1899.

No. 474)

AN ACT

(S. 416)

To amend Section 908 of the Code of 1896, and to fix the time of holding the Circuit Court in the Tenth Circuit of Alabama, composed of the Counties of Winston, Walker and Jefferson.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 908 of the Code of 1896 be amended so as to read as follows: "908. Tenth Circuit, times and places of holding Courts: The Circuit Courts in the Tenth judicial circuit shall be held in each year as follows: 1. In the County of Winston, on the 3d Monday in February and August, and may continue one week. 2. In the County of Walker, on the second Monday in April and on the fourth Monday in October, and may continue five weeks: 3. In the County of Jefferson, on the first Monday after the third Monday in February, and to continue until Saturday before the second Monday in April; and on the first Monday after the third Monday in August, and to continue until Saturday before the fourth Monday in October: Provided, That after the expiration of the terms of the Court held in Walker county, that the Court may resume in Jefferson county, and continue until the business is disposed of. Four weeks of which term must be held at Bessemer, at such time as the presiding judge may designate, of which he must give two weeks notice; provided further, that this act shall not take effect until June the 1st, 1899.

Approved February 15th, 1899.

No. 475)

AN ACT

(S. 277)

To promote the health of the City of Mobile by authorizing and empowering the mayor and general council of the City of Mobile to adopt ordinances compelling the householders of said city to connect their cesspools, urinals, privy vaults and boxes with the sewerage system, to be constructed by the said City of Mobile, or other sewerage system.

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and general council of the City of Mobile is hereby expressly authorized and empowered to adopt ordinances compelling all householders in said city, of every kind, character or description, whether owners or tenants, and whether persons, associations or corporations, on whose premises there exist cesspools, urinals, privy vaults or boxes and the like, to connect the same, in a sanitary manner, with a sewerage system, when such sewerage system is constructed in the City of Mobile, whether said system is owned and operated by the City of Mobile or otherwise, or with any effective sewerage system now existing or being used in said city.

Authority
and power

Sec. 2. Be it further enacted, That for the use of the sewerage system owned and operated by the City of Mobile, the mayor and general council of said city is hereby fully and expressly authorized and empowered to fix, and charge such reasonable rates for the purpose of maintaining and operating said sewerage system and paying the interest on the bonds issued by the City of Mobile to build said sewerage system, as said mayor and general council may deem just and proper.

Rates charged

Sec. 3. Be it further enacted, That this act shall take effect and be in force on and after its passage.

When act
takes effect

Approved February 15th, 1899.

No. 476)

AN ACT

(S. 350)

To prohibit the sale, giving away or otherwise disposing of vinous, spirituous, malt liquors, intoxicating bitters or blackberry wine, in Beat No. 3, commonly known as Red Bank Beat, in Lawrence County, Alabama.

Prohibition

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act, it shall be unlawful for any person, firm or corporation to sell, give away or otherwise dispose of any vinous, spirituous, malt liquors, intoxicating bitters or blackberry wine in Beat No. 3, commonly known as Red Bank Beat, in Lawrence county, Alabama.

Penalty

Sec. 2. Be it further enacted, That any person, firm or corporation violating the provision or provisions of Section 1 of this act shall be deemed guilty of a misdemeanor and, on conviction, shall be fined not less than fifty nor more than five hundred dollars.

Approved February 15th, 1899.

No. 477)

AN ACT

(S. 391)

To prohibit the sale, giving away or disposing of spirituous, vinous or malt liquors, or any intoxicating bitters or beverages, within five miles of Center Springs Methodist Episcopal Church South, in Pickens County, Alabama.

Prohibition

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, or any intoxicating bitters or beverages, within five miles of Center Springs Methodist Episcopal Church South, in Pickens county, Alabama: Provided, That the provisions of this act shall not apply to any portion of Raleigh beat.

Sec. 2. Be it further enacted, That any person violating the provisions of this act shall be guilty of a misdemeanor and, on conviction for the same, must be fined not less than twenty dollars, and may also be imprisoned in county jail not exceeding thirty days. Penalty

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed. Repeal

Approved February 15th, 1899.

No. 478)

AN ACT

(S. 225

To confirm and amend the incorporation of Central City Building and Loan Association of Selma, Alabama, and to give it additional powers and privileges.

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation of Central City Building and Loan Association, of Selma, Alabama, heretofore effected under the general laws of the State of Alabama, by proceedings had in the Probate Court of Dallas county, Alabama, and amended by an act of the General Assembly, approved February 26th 1889, and further amended by an act of the General Assembly approved December 9th, 1892, be, and the same is, hereby, in all respects, ratified and confirmed, and all lawful acts of the said Central City Building and Loan Association are hereby ratified and confirmed. Incorporation confirmed

Sec. 2. Be it further enacted, That in addition to the powers given to said Central City Building and Loan Association by the general laws under which it was incorporated, and the amendments to its charter, the said Central City Building and Loan Association shall have the following powers: To sell paid up stock and to suspend the sale thereof at its pleasure; to charge a premium to all borrowers, whether stockholders or not, of one-half (½) of one (1) per centum per month; to charge in- Additional powers

terest on all loans, whether to a stockholder or not, of one-half ($\frac{1}{2}$) of one (1) per centum per month; to impose fines and penalties upon their members for default or delay in payment when same are due, of installments upon their loans, the interest, premiums and charges thereon and upon the shares of stock of such members, and the same may be secured and collected by mortgage or pledge of personal property, but such fines shall not exceed two per cent. per month of such arrearages, and if such default or delay continues until another installment of their loan, or interest or premium on their shares of stock becomes due, another fine of two per cent. per month on all arrearages can be imposed, and each month following default until the same is paid; to lend its funds on farm land, on the same terms and conditions as any other property, and to regulate the time of payments of such loans on farm land and the premium and interest as may be prescribed by its by-laws; to fix by its by-laws the withdrawal value of any of its stock, and the terms thereof, and to limit the withdrawal of stock to one-half of the dues paid by its stockholders each month.

Duties upon
foreclosure

Sec. 3. Be it further enacted, That upon the foreclosure or sale, under power given in any mortgage of land by a member to such association, it shall credit such loan with the stock of such member at the withdrawal value of such stock, and it shall credit all payments made upon the principal of such loan.

Approved February 15th, 1899.

No. 480)

AN ACT

(H. 710

To amend an act to provide a charter for the Town of Carbon Hill, Alabama, approved February 14th, 1891. Acts 1890-91, page 640.

Be it enacted by the General Assembly of Alabama, That an act entitled "An act to provide for

a charter for the town of Carbon Hill, Alabama, approved February 14th, 1891 (Acts 1890-91, p. 640), be, and the same is, hereby amended so as to read as follows:

Section 1. Be it further enacted, That the town of Carbon Hill, in Walker county, Alabama, and the present and future inhabitants of said town shall be, and they are by this act, made and constituted a body corporate and politic, under the name and style of the "Town of Carbon Hill," under and by which name and style and acting by and through the proper officers of said incorporation, hereafter to be designated, all the corporate powers and privileges of this town, by this act granted, shall be executed and carried into effect as required and under its corporate name aforesaid; the said town corporation shall contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, receive, hold, sell, grant, alien and mortgage, lease and let property, real and personal; may have and use a common seal, which may be changed at pleasure, and do and perform all acts incident to such incorporation not inconsistent with the laws and constitution of this State.

Sec. 2. Be it further enacted, That the government of said town shall be styled the "Mayor and Aldermen of the Town of Carbon Hill," and shall consist of a mayor and six aldermen, to be elected as hereinafter designated.

Sec. 3. Be it further enacted, That an election shall be held in said town of Carbon Hill, on the fourth Monday in June, 1899, and every two (2) years thereafter, for the purpose of electing a mayor and six aldermen, to serve the interest of said town of Carbon Hill; and such mayor shall have been a citizen and householder and freeholder of said town of Carbon Hill for the twelve months next preceding the election, and said aldermen shall have been citizens of said town for the twelve months next preceding said election; said mayor and aldermen shall serve for the term of two years, and until their successors in office

Election

are elected and qualified; and all persons who shall have lived twelve months in the State of Alabama, six months in Walker county, and three months within the corporate limits of said town next preceding said election, and who are qualified voters for members of the General Assembly of this State, and who shall have registered and qualified as hereinafter provided, shall be entitled to vote in said municipal election. If, from any cause, said town fails to hold an election on the day specified in this section, said mayor or mayor and aldermen shall, within thirty days thereafter, order an election to be held, and shall, within twenty days thereafter, hold an election: Provided, That notice of such election shall be published in a newspaper published in said town, or by posting notices in three or more public places in said town, ten days prior to the day set for such election; and all boards of managers of said corporation election shall be appointed and the place of holding said election shall be designated by the mayor and board of aldermen. The mayor and aldermen shall declare the result of elections, and declare who are the only elected officers, and in case of a tie shall determine who shall be mayor and aldermen; but the corporation shall not be dissolved should there be no election as herein prescribed; and should said mayor and aldermen fail or refuse to order such election within thirty days, they shall be guilty of a misdemeanor, and shall be punished by fine of not less than twenty nor more than one hundred dollars, and may also be punished by imprisonment in the county jail or by hard labor for the county; and three citizens, legal voters of said town, may order said election, as directed in this section. That any election held under this act may be contested in the same manner as is or may be provided by the laws of this State for the contest of the elections of judge of probate; and said law shall, so far as practicable, apply to the contest of all elections held under this act. Should a vacancy occur in the board by the death, resignation or removal from the town, or from any other cause,

except on a contest of election, as now provided by law, the remaining members of the board shall fill the vacancy at its next regular meeting after said vacancy occurs.

Sec. 4. Be it further enacted, That said election shall be conducted according to the law governing the elections for officers under the general laws of this State, except as declared in this act. But no person shall be entitled to vote at said election unless he possesses the qualifications mentioned in the eighth article of the constitution of this State and shall have resided in the said town, county and State as required in Section 3 of this act, and shall have caused himself to be registered in the ward of his residence in the manner hereinafter provided.

Election

Sec. 5. Be it further enacted. That at least twenty days before the fourth Monday in May of the first election year after the passage of this act it shall be the duty of the mayor and aldermen to appoint one person to act as a registrar of voters; said registrar shall commence registration on the fourth Monday in May next preceding the election, which is first to be held under this amended charter, and shall continue the same until within seven days of said election, at which time said registration shall be closed, until the day of election, at which time he must attend and register all applicants who are entitled to registration under the provisions of this act and who may not have theretofore been registered by said registrar. Said registrar shall give at least five days notice, by advertisement in some newspaper published in said town, or by posting three notices therein of his appointment, of time and place at which he will attend and make registration of voters; and should the registrar so appointed fail to act, or from any cause a vacancy should occur in said appointment, then the board shall appoint some other person in his stead. Before registration is made of any applicant therefor, said registrar must be satisfied by personal knowledge or sufficient evidence that such applicant is a qualified elector under the provi-

Registrar and
registration

Registrar and
registration

sions of this act, and said registrar being satisfied, must thereupon place the name of such applicant upon the registration list, together with his color and the ward of his residence, and the number of his registration. The right of any person to be registered as a voter may be challenged in the same manner as hereinafter provided for the challenging of any person who may claim the right to vote at any municipal election of said town; provided, however, that when an applicant for registration is identified by any person known to the registrar who will make oath to the identity of such applicant, and such applicant will subscribe to the following oath: "I, _____, solemnly swear, or affirm, that I have resided in the State of Alabama one year, in the county six months, in the town of Carbon Hill thirty days next preceding this election; that I am twenty-one years of age, and that I have never been convicted of any crime involving moral turpitude." In such event the registrar is required to furnish the said applicant the necessary certificate of registration, with the name of the person who identified said applicant, endorsed thereon; and it shall be the further duty of the registrar to carefully preserve the original registration list of the voters registered by him, and make out therefrom a list in alphabetical order of the registered voters, and certify the same over his signature, and immediately after the closing of the registration lists shall deliver the said alphabetical list to the mayor of said town; and it shall be the further duty of the registrar, within five days after the election, to certify and deliver to the mayor of said town said original registration list, together with the list of the voters registered by him on the day of the election. Ten days before each and every election succeeding said first election held under this amended charter, it shall be the duty of said mayor and aldermen to appoint a registrar, whose duty it shall be to attend said election and to register all such applicants as are entitled to registration under the provisions of this act, and who shall not have been

previously registered; such registration and the returns thereof to be made as hereinabove authorized and provided.

Sec. 6. Be it further enacted, That as soon as practicable, the mayor of said town shall cause as many corrected copies of said alphabetical registration list of the town to be made as may be necessary, and shall furnish to the inspectors of election one copy of the same, to be used at such election, which copy shall be used by said inspectors as their official copy, and shall be returned with the ballots cast at such election as part of their official return, as herein directed. It shall be the duty of said mayor, at least one day before the election, to post one of said alphabetical copies at the courthouse door of said town, or at some other public place in said town. The certified list returned by the registrar after the election, as hereinbefore provided, shall be deposited with the clerk, to be preserved among the records of said town.

Duties of
mayor

Sec. 7. Be it further enacted, That the inspectors of said election shall not receive the vote or ballot of any person whose name does not appear on the registration list as being registered, unless he presents and surrenders to the inspectors of election his certificate of registration, issued to him by the registrar on the day of election. Any elector may challenge the right of any one to vote, as under the general election law of the State. The said inspectors shall immediately, after the polls are closed, proceed to count the ballots cast, and certify the result of the election to the mayor and aldermen of said town. They shall enclose the ballots cast, with the poll list and registration list of the town, and the certificates of registration surrendered at the election, together with their said certificate of the result in the box in which are placed the ballots received at such election, and after carefully sealing the same, deliver said box, with its contents, to the clerk of said town, who shall give the said inspectors his receipt for said box, stating in said receipt the condition of same when received by him.

Inspectors

Oath

Sec. 8. Be it further enacted, That the mayor and board of aldermen, together with the town marshal, treasurer, tax assessor, tax collector and clerk, or secretary (each of which officers the board of mayor and aldermen shall elect, as hereinafter provided), shall severally, before they enter upon the discharge of their duties, take oath, as prescribed by the constitution of the State, and an oath for the faithful performance of the duties of the office upon which they are about to enter.

Duties and
powers of
mayor

Sec. 9. Be it further enacted, That it shall be the duty of the mayor to preside over and keep order at the meetings of the board. He shall call special meetings of the board, whenever in his opinion the interest of the town requires it, or upon application of two or more aldermen. He shall keep an office in said town, and hear and determine all cases of violation of all by-laws or ordinances and punish the offenders in such manner as the board of mayor and aldermen may direct; and shall possess, within the police limits of the town, all powers and jurisdiction of a justice of the peace, in both civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace. From any judgment or decision of said mayor, as such, an appeal may be taken by the defendant, if in a criminal case, or by either party, if in a civil case, to the next term of the Circuit Court of Walker county, Alabama. In case a defendant is convicted of a violation of a town ordinance, an appeal may be taken to said Circuit Court upon his entering into bond, with security, payable to the State of Alabama, for the use of the town of Carbon Hill, in such sum as the mayor may require, conditioned to prosecute such appeal to effect and pay and discharge such judgment as the Circuit Court may render: Provided, Such appeal is taken within five days from the rendition of such judgment by the mayor. The said appeal, when taken, shall be tried and determined *de novo*. And in case the bond is forfeited, the proceedings for the collection of the same shall be the same as those regulating appeals from justices of the peace to the Circuit Court in State cases.

Sec. 10. Be it further enacted, That said board of mayor and aldermen shall have authority to require all male inhabitants of said corporation, who shall have resided therein ten days, and who are between the ages of eighteen and forty-five years, to work upon the streets of said town not more than ten days during the year, under the direction of such officers as the town may appoint: Provided, That any person so required to work may relieve himself from so working, by paying into the town treasury a sum not to exceed ten dollars: Provided, That such persons have not paid, and are not liable for, road duty in other cities or counties in this State; provided further, that all moneys so paid shall be held as a street fund, and shall be applied exclusively to the improvement of the streets; provided further, that the following named persons shall be exempt from street service or street tax, to-wit: Ministers of the gospel regularly engaged in their ministerial calling, persons physically unable to do manual labor, who shall obtain such a certificate from the board of censors, and all students at school.

Work on
streets

Sec. 11. Be it further enacted, That the mayor and aldermen shall have full and complete power, 1. To make, adopt and declare motions, resolutions and ordinances in whatever manner and upon such subjects as they see fit to carry out the powers herein granted, and for the good government and order of said town, and to affix thereto such penalties for violation of same, by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the town not exceeding sixty days, one or both; and all persons convicted of a breach of any by-laws or ordinances failing to pay or secure such fine, may be imprisoned for such failure, or placed at hard labor for the town until such fine and costs are paid in such manner and for such time as may be, by ordinance or by-laws, provided, but in no case longer than sixty days. 2. To pass all laws and ordinances necessary and proper to prevent contagious and infectious diseases from being introduced into said town limits; to estab-

Powers

Powers

lish and regulate an efficient quarantine within said town and to punish any breach of quarantine laws and to prescribe the duties and to fix the salaries and compensations of all such health officials as they may deem necessary under the existing health laws of the State. 3. To prevent and remove all nuisances at the expense of the person causing the same or upon whose premises the same may be found. 4. To establish, set up and regulate all hospitals, poor-houses and houses of correction. 5. To restrain or prohibit gambling, houses of ill-fame, disorderly conduct, breaches of the peace, riots and unlawful assemblies, public indecencies, disturbing religious worship, profanity, and all games of sport of an immoral character. 6. To regulate night and day watches, police patrol and captains thereof. 7. To establish and control markets and market houses, and to pass by-laws and ordinances regulating the sale of meats, vegetables and other like articles within certain places and within certain houses. 8. To sink, repair and regulate public wells and cisterns; to establish and regulate public fire plugs and hydrants, and to make all needful provisions for the supply of the town with water by water works or otherwise, gas or gas lights or other lights, and to control the same. 9. To establish avenues and alleys and to discontinue the same; and to regulate and control the paving, draining, repairing and curbing of streets and sidewalks and giving the grades thereof; set out trees in streets, alleys and parks, and prescribe penalties for injuring the same. 10. To establish and build drains, sewers and aqueducts and reservoirs, and to regulate the same, and pass all laws, ordinances and resolutions to compel owners of lots or real property to ditch or drain the same at the expense of the owner, and to punish any refusal of such owner or person in charge of such lot or property by fine or imprisonment, one or both. 11. To establish, lay out and improve public parks, and to regulate the same. 12. To establish, regulate and change fire limits in said town, and to pass all laws necessary for the protection of said town against

fire, and for this purpose may remove any wooden building or structure, paying the owner thereof a reasonable price, which may be determined by five arbitrators, to be selected by the mayor on the part of the town, and the owner of the property, each selecting two of said arbitrators and the four thus selected choosing the fifth; and in case the said mayor and the owner of the property cannot agree on said arbitrators, then the proceedings for ascertaining the value of the same shall be the same as those in the Code of Alabama of 1896, regulating *ad quod damnum* proceedings. 13. To lay out, regulate, improve and control town cemeteries and burying grounds, and for this purpose may purchase lands within or without said corporate limits, and may sell burial lots in the same. 14. To prevent and regulate the running at large on the streets all cows, hogs, dogs, asses, horses and other animals, and to pass all laws deemed necessary for the sale and impounding of said stock. 15. To establish, regulate and control free white public schools and free colored public schools in said corporate limits, or in the separate school district created by Section 13 of this act, as they shall deem best for the school interests in said town, either or both; to pay the teachers thereof, and if they see proper to do so, to organize and establish such schools in connection with other schools, established and organized under the direction of the board of education of this State, on such terms as may be agreed upon by them, or any other schools, independently of said board of education: Provided, That no more than one-half of the gross general revenue of said town shall be applied to the support of such public schools; provided further, that they may prescribe the terms upon which the children of non-residents of said corporate limits may be admitted to the said schools; provided further, that said mayor and aldermen are hereby made and constituted a board of trustees for and on behalf of the public school or schools of said town and school district, with power to do and perform Powers

Powers

all the powers and acts within said school district that the township trustees may perform under the State school laws with reference to the public schools and public school funds to which the said district is, or may become, entitled by virtue of said State laws or State appropriations, as well as through the town acts and appropriations. 16. To regulate and control the building of street railways on the streets, avenues and alleys of said town, and the running of cars thereon, and to regulate and control the running of cars or locomotives upon or across the streets, avenues and alleys of said town, and to regulate the speed of such cars, engines or trains within the corporate limits of said town. 17. To pass all laws necessary and proper for the arrest and to bring to trial any person against whom there is a charge made of violating any town or State laws; to pass all laws needful for the issuance and execution of such warrants. 18. To make and ordain all laws necessary concerning peddlers, paupers, vagrants and persons of disorderly habits and all persons convicted of the breach of the by-laws and ordinances of said town failing to pay such fine and costs as may be imposed by the mayor or acting mayor, may be placed at hard labor for the town or imprisoned until such fine and costs are paid, not exceeding sixty days. 19. To pass by-laws and ordinances in relation to auctioneers carrying on their business on the streets, and to regulate the same; to enact all ordinances to prohibit the wearing any uniform adopted by the police force of the town by any person except those belonging to the police force, under a penalty of fine and imprisonment at hard labor on the streets, either or both, at the discretion of the board of mayor and aldermen. 20. To punish all persons, who may in any manner obstruct the marshal, captain of police force or any policeman or other officer in the arrest of any person in said corporate limits and for the punishment of any or all persons who when called upon to aid in the arrest of any person, shall fail to give such aid or assistance, or when summoned to act as patrol, refuses to act. 21 The said mayor

and aldermen shall have power to pass and establish inspection laws, to erect public scales, to appoint weighers and to fix fees for weighing to be paid by the buyers and sellers, and may lease said scales for a term not exceeding twelve months at one time. 22. Said board of mayor and aldermen shall have the power to pass by-laws, ordinances and resolutions providing for grading, paving, curbing and keeping in repair the sidewalks, and for planting and removing shade trees on sidewalks or parks, in such manner as shall not be inconsistent with the constitution of this State. 23. Said board of mayor and aldermen shall have power and authority to contract with any person or persons, or association of persons or corporation to grade or pave streets, avenues and alleys, to construct and repair sewers, to light said town and buildings used for town purposes, with gas, electricity, or other lights, one or more; to supply said town with water and regulate the conveyance and distribution of water throughout said town; and generally do every matter and thing for the good and welfare of said town, not inconsistent with the Constitution and laws of the State of Alabama. 24. Said board of mayor and aldermen shall have authority to levy and collect from all persons or corporations trading and carrying on any business trade or profession by agent or otherwise in said corporate limits, a license tax on said business, trade, profession, or calling, except mechanics, who employ no capital but conduct their trade solely by their own skill, labor and attention without employees: Provided, That no license tax shall exceed the sum of five hundred dollars; to levy, assess and collect, each year taxes on all real and personal property, not to exceed one-half of one per centum of the value of such property as assessed for State taxation during the preceding year; and if the tax payer has no personal property known to the marshal or tax collector of said town, or if insufficient to satisfy his taxes, the marshal may levy on real estate for its satisfaction, and an order of sale thereof obtained as

Powers

Licenses

Licenses

provided by Sections 1947 and 1948 of Code of Alabama: Provided, That when said assessor shall have completed the assessment for said town taxes he shall return the same to the board of mayor and aldermen; provided further, that all property used exclusively for charitable, religious and educational purposes, or either of them, and all public parks, shall be exempt from taxation from said town. 25. Said board of mayor and aldermen shall have power to elect a town marshal or marshals, tax assessor, tax collector, clerk or secretary, treasurer and such other agents or officers as they shall deem proper and expedient for the good of the town, to prescribe their duties to compensate them for their services, prescribe and approve bonds for them, and to remove any and all of them for good cause.

Jurisdiction

Sec. 12. Be it further enacted, That said board of mayor and aldermen and other town authorities shall have public jurisdiction of and over the territory embraced or included in the corporate limits of said town as described in Section 17 of this act, and within one-half mile outside of said limits. The territory outside of said corporate limits embraced in said police jurisdiction shall be known as the police limits of said town, and persons violating any of the ordinances of said town within said police limits shall be guilty of a misdemeanor and liable to the same punishment by said corporation authorities as for the violations of said ordinances within the corporate limits.

School district

Sec. 13. Be it further enacted, That the town of Carbon Hill, and all lands within the police limits, together with all that territory within one mile outside and all around the town boundary shall be a separate school district and shall be known as the school limits or district of said town, and the mayor and aldermen of said town shall be and act as trustees of all public schools and public school funds to which it may in any way become entitled.

Quorum

Sec. 14. Be it further enacted, That the majority of the board of mayor and aldermen shall be required to transact any corporate business, but any

number not less than two assembled at the regular place of meeting, and adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the board of mayor and aldermen may see proper; that the said board may determine the rules of its proceedings, and may fine its members for absence or disorderly behavior. In the absence of the mayor, or in case of sickness or temporary absence from the town, or inability to serve from any good cause, he may appoint any one of the aldermen to act as mayor during such sickness or absence or inability, or if the mayor fail or refuse to appoint them the board of aldermen may appoint one of their members to act, and such mayor pro tempore shall have all the powers of the mayor and shall perform all the duties of the same.

Sec. 15. Be it further enacted, That an assess- Taxes
ment of all the property within the limits of the town, subject to taxation by the laws of the State, may be made annually to the owner of said property, when known, otherwise to owner unknown, and upon failure or refusal of any person to give in his or her property when required to do so, the assessor shall and must proceed to assess the same from the best information he can get or obtain.

Sec. 16. Be it further enacted, That the mayor Authority of
have the same authority to punish for contempt of mayor
court in the same manner and under the same rules and regulations as provided by the laws of Alabama in reference to punishment for contempt by justices of the peace.

Sec. 17. Be it further enacted, That said town Boundaries
shall consist of the parcels, tracts, and lots of land which are included in the following described boundary lines or boundaries, to-wit: Beginning 350 feet south of the Kansas City, Memphis and Birmingham Railroad and south of the southeast corner of the town plat of the Town of Carbon Hill, Alabama, as surveyed, platted and recorded by the Kansas City, Memphis and Birmingham Railroad Company, and run thence north along the eastern line of said plat to the northeast corner; thence

west along the north boundary line of same plat to a point three hundred (300) feet west of the northwest corner of said town plat; thence south parallel with the western boundary line of said town plat three hundred and fifty (350) feet south of the Kansas City, Memphis and Birmingham Railroad, and thence parallel with said railroad in an easterly direction to the point of beginning: Provided, however, That said boundaries of said town may be changed as provided by Section 2967 of the Code of Alabama of 1896.

Repeal

Sec. 18. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved February 17, 1899.

No. 481)

AN ACT

(H. 836)

To provide for the payment of fines and forfeitures in Tallapoosa County.

Payment

Section 1. Be it enacted by the General Assembly of Alabama, That after the passage of this act, all fines in Tallapoosa county shall be paid in money.

Approved February 17th, 1899.

No. 482)

AN ACT

(H. 867)

To incorporate the white peoples Missionary Baptist Church in LaFayette, Alabama.

Name

Section 1. Be it enacted by the General Assembly of Alabama, That for the purpose of advancing the cause of Christianity, the organization of white people in LaFayette, Alabama, known as the LaFayette Baptist Church be, and the same is hereby incorporated under the name of LaFayette Baptist Church. That in and by said name and for the

purpose above mentioned, the said corporation shall have the power to sue and be sued, plead and be impleaded, contract and be contracted with, and for its own use it may buy, sell, have and hold personal and real property in value not to exceed ten thousand dollars. Rights

Sec. 2. Be it further enacted, That said corporation shall have a board of deacons, and a treasurer and clerk, but offices of treasurer and clerk may be consolidated. The number composing the board of deacons may be fixed by the corporation. All contracts with and for the corporation must be made with and by the board of deacons or a majority of it, but when such contracts are in writing they must be countersigned by the treasurer and clerk. Officers

Sec. 3. Be it further enacted, That no license tax shall be required of said corporation. No license
tax

Approved February 17th, 1899.

No. 483)

AN ACT

(H. 952

To amend Section 1 of an act entitled "An act to prevent the running at large of stock in certain portions of Talladega County," approved February 2nd, 1897.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of an act entitled "An act to prevent the running at large of stock in certain portions of Talladega county," approved February 2d, 1897, be amended so as to read as follows: Be it enacted by the General Assembly of Alabama, That it shall not be lawful for stock of any kind or description whatever to run at large in those portions of Talladega county, known and described as precincts one (1), two (2), four (4), five (5), six (6), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), seventeen (17), and eighteen (18), as such precincts now exist in said county: Provided, That this act shall take effect May 1st, 1899. Stock district

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 17th, 1899.

No. 484)

AN ACT

(H. 966

To authorize and direct the Commissioners Court of Monroe County, to have prepared a general index to the probate records of said county.

Duty of com-
missioners
court

Section 1. Be it enacted by the General Assembly of Alabama, That the Commissioners Court of the County of Monroe, be, and it is hereby authorized and directed to employ a person or persons to prepare and make a complete general index direct and indirect to the records of the probate office of said county.

Completion
and cost

Sec. 2. Be it further enacted, That the index specified in the first section of this act shall be made and completed not later than January 1st, 1901, and the sum expended therefor shall not exceed four hundred dollars (\$400.00).

When due

Sec. 3. Be it further enacted, That the sum to be paid for the preparation of said index shall be due and payable at the term of said Commissioners Court when said general index is accepted by them.

Penalty

Sec. 4. Be it further enacted, That any failure on the part of said Commissioners Court to carry into effect the provisions of this act will render the members of said Court liable in the sum of two hundred dollars each, to be recovered for the use of said Monroe county at the suit of any citizen thereof.

Approved February 17th, 1899.

No. 485)

AN ACT

(H. 1049)

To abolish the Commissioners Court of Butler County.

Section 1. Be it enacted by the General Assembly of Alabama, That the Commissioners Court of Butler county, be and the same is hereby abolished. Court abolished

Approved February 17th, 1899.

No. 486)

AN ACT

(H. 1170)

To establish a separate school district in St. Clair County, to be called Edon School District.

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district is hereby established in St. Clair county, to be called Edon school district, with the following boundaries: Sections two (2), three (3), four (4), five (5), eight (8), nine (9), ten (10), and eleven (11), Township 17, Range 3, east, and Sections thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35), twenty-six, (26), all in St. Clair county, Alabama. School district

Sec. 2. Be it further enacted, That upon the approval of this act the county superintendent shall appoint five trustees, who shall hold office until the regular biennial election to be held for State officers in 1900. In case a vacancy occurs before 1900, the same shall be filled by the county superintendent by appointment. At the regular election held in 1900 the successors to said trustees shall be elected by the regular qualified electors of said district, and their term of office shall be for the period of two years, or until their successors are elected and qualified, and if a vacancy shall occur from any cause before the recurring biennial election, the same shall be filled by appointment by the county superintendent. Trustees

Powers

Sec. 3. Be it further enacted, That the trustees provided for in the second section of this act shall have full power to employ teachers, fix their compensation for one white school in said district, which shall be located in the Town of Edon. All poll tax paid by the white male inhabitants and all other of whatsoever kind that are used or may hereafter be appropriated by law to the public school, shall be paid or the just pro rata part thereof to the use and benefit of said school.

Repeal

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed so far as they relate to the territory mentioned in this act.
Approved February 17th, 1899.

No. 487)

AN ACT

(H. 1165)

To authorize the mayor and council of the City of Decatur to issue bonds of said city to fund and retire the bonded and outstanding indebtedness of said city, and to provide for the payment thereof.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the City of Decatur, County of Morgan, State of Alabama, be and they are hereby authorized to issue bonds of said city to an amount not exceeding twenty thousand dollars, or so much thereof as the said mayor and council of the City of Decatur may deem necessary for the purpose hereinafter named, in denominations of not less than one hundred dollars each, and payable not longer than thirty years from the date thereof, redeemable at the option of said city after ten years and to bear interest at not more than six per cent., and with interest coupons attached, payable semi-annually to bearer at the First National Bank in the City of Decatur, Alabama, or at some place designated by said bonds.

Sec. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the clerk of said City of Decatur, and the interest coupons attached to said bonds shall have engraved thereon the signature of such clerk, and said bonds shall be numbered consecutively from number one to the number of the last issued, and the coupons thereto attached shall be numbered to correspond to the bond to which they are attached.

Signed by

Sec. 3. Be it further enacted, That the bonds authorized to be issued under and by virtue of this act shall be for the sole purpose of funding the bonded and outstanding indebtedness of the City of Decatur, Alabama, by exchanging said new bonds for said old bonds and other outstanding evidences of indebtedness of said city on such terms as the said mayor and council and the holders thereof shall agree, or said mayor and council may sell said new bonds, and the money realized from the sale thereof shall be used for the sole purpose of liquidating said old bonds and other outstanding indebtedness of said city. All bonds surrendered or exchanged for new bonds issued under this act, and all other outstanding evidences of indebtedness surrendered under the provisions of this act, shall be cancelled and destroyed by fire in the presence of the mayor and council of the City of Decatur in regular meeting assembled, and the minutes of the meeting shall state the fact of the cancellation and destruction of said bonds and evidences of indebtedness, together with the number, amounts and other sufficient description of the bonds and evidences of indebtedness so cancelled and destroyed.

Purpose

Sec. 4. Be it further enacted, That none of the bonds issued under the provisions of this act shall be sold by said mayor and council of the City of Decatur for less than their face value.

Sold by

Sec. 5. Be it further enacted, That the said mayor and council of the City of Decatur are hereby authorized to do any and all things that may be necessary to carry out the provisions hereby

Authority of
mayor and
council

granted, and no technical informality, irregularity, neglect or omission in the proceedings or records of said bonds shall in any way vitiate or annul said bonds or coupons, and said bonds and coupons shall have the same properties and protection as commercial paper.

Record

Sec. 6. Be it further enacted, That the clerk and treasurer of said city shall keep an accurate record of the bonds and other evidences of indebtedness taken up, cancelled and destroyed under this act, and also a correct record of the bonds issued hereunder.

Priority

Sec. 7. Be it further enacted, That the bonds that may be issued under this act shall possess the same priority as the bonds for which they are exchanged or substituted, and have priority over any bonds that may be hereafter issued by said city, and it shall be the duty of said mayor and council of Decatur to provide for the payment of the same, principal and interest, before providing for the payment of bonds which may be hereafter issued by said city.

Taxation exempt from

Sec. 8. Be it further enacted, That the bonds and coupons issued under this act shall be and the same are hereby exempt from taxation by the City of Decatur.

Payment

Sec. 9. Be it further enacted, That to meet the interest and principal at maturity upon any or all of the bonds issued by authority of this act, the mayor and council of the City of Decatur shall, and it is hereby made their duty, to set apart out of the general revenues of said city, each year, an amount sufficient to pay the semi-annual interest due on said bonds before making any other appropriation, and after ten years to set apart, out of the general revenues of said city, each year, a sufficient amount as a sinking fund sufficient to meet and pay off the principal and interest upon said bonds at maturity, and to retain the same for that purpose.

Approved February 17th, 1899.

No. 488)

AN ACT

(H. 1273

For the relief of Osceola Evans of Clay County.

Whereas, In the case of the State vs. John Kennedy, which was a prosecution pending in the Circuit Court of Cleburne county for carrying concealed weapons, the defendant was at the fall term of said Court, in 1896, convicted of the offense charged; and, whereas, Osceola Evans was a surety upon the bond of the said John Kennedy for the payment of said fine, and to secure and indemnify himself against loss, required and obtained from the defendant a contract under the statutes of this State to work for him until said fine and costs were paid; and, whereas, the said defendant had worked but a short time for said Osceola Evans, and was taken from the custody of said Evans upon another and different charge whereby the said Evans was deprived of the fruits of the labor of the said Kennedy as provided in said contract, and without fault upon the part of the said Evans; and, whereas, the said Evans was compelled to pay said fine and costs, which amounted to the sum of \$179.00, which amount he paid in cash, now therefore,

Section 1. Be it enacted by the General Assembly of Alabama, That the Commissioners Court of Cleburne county, Alabama, be, and they are hereby authorized and directed to pay to said Osceola Evans the amount so paid by him for fine and costs, not to exceed the actual sum paid, after deducting the value of labor received by the said Evans from the said Kennedy, and said Commissioners Court are directed to ascertain how much the net amount should be paid to said Evans under the provisions of this act: Provided, however, further, That the solicitors fee paid by said Evans in the case mentioned, and which was paid into the State treasury in pursuance of law, shall not be paid by said Court of County Commissioners, but shall be paid out of the treasury of the State, out of any sums in said treasury not otherwise ap-

Appropriation, county

State

propriated, and to this end the auditor of the State is hereby directed to draw his warrant on the State treasurer in favor of the said Osceola Evans for the amount of said solicitor's fee.

Approved February 21st, 1899.

No. 489)

AN ACT

(H. 1306

To prevent hunting on the lands in Beat No. 4, Bibb County, Alabama, without the written consent of the owner or person having control of such land.

Unlawful

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act it shall be unlawful for any person to hunt on the lands of another in Beat No. 4, Bibb county, Alabama, without the written permission of the owner or person having control of such lands.

Penalty

Sec. 2. Be it further enacted, That any person violating the preceding section shall be guilty of a misdemeanor and upon conviction shall be fined not less than one nor more than ten dollars.

Repeal

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 17th, 1899.

No. 490)

AN ACT

(H. 1242

To amend Section 6 of an act to establish and provide for the holding of a Circuit Court at Bangor in the western division of Blount county, approved February 13th, 1891.

Section 6
amended

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act that Section 6 of an act to establish and pro-

vide for the holding of a Circuit Court at Bangor, in the western division of Blount county, be amended so as to read as follows: That the Court of County Commissioners, or members of said Court, shall place the names of all those qualified to serve as jurors in said western division in a box to be kept as a deposit for such names and the names so drawn shall be summoned and empaneled to serve on the juries of such western division of Blount county and shall not serve in the Courts of the eastern division of said county. Juries

Sec. 2. Be it further enacted, That the names of all those qualified to serve on the juries in the Courts of the eastern division of Blount county shall be placed in a separate box to be kept as a deposit for such names shall be drawn and empaneled to serve on the juries of said eastern division of said county and shall not serve in the western division of said county. Juries

Sec. 3. Be it further enacted, That said boxes shall be kept Oneonta. Boxes

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same is hereby repealed. Repeal

Approved February 17th, 1899.

No. 491)

AN ACT

(H. 1204

To authorize the Court of County Revenues of Dallas County, Alabama, to levy and collect a special tax for the purpose of building a new court house for said county.

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Revenues of Dallas county is hereby authorized, and it is the duty of the said Court, to levy and collect a special tax upon the taxable property of Dallas county for the purpose of building a new court house for said county. Special tax

Rate

Sec. 2. Be it further enacted, That said tax shall not exceed one-fourth of one percentum on the taxable property of said county in any one year and shall be levied and collected each year on and after the passage of this act, beginning with the year 1899, until sufficient funds are collected to pay for a new court house for said county.

Use of

Sec. 3. Be it further enacted, That said tax, when collected, shall be used exclusively for the said purpose for which it is levied, and collected: Provided, however, That if any greater fund be raised by such tax than is needed for the purpose for which it is levied, said balance, after said court house shall have been paid for, shall become a part of the common fund of the county.

Authority to
borrow

Sec. 4. Be it further enacted, That on the commencement of the erection of said court house, said Court of County Revenues is authorized to borrow such amount of money as may be necessary for the building of such court house, in such manner, and on such terms as it may deem expedient.

Approved February 17th, 1899.

No. 492)

AN ACT

(H. 772)

To authorize and empower the Merrimack Manufacturing Company, a corporation of the State of Massachusetts, to own, build, construct, purchase and operate cotton mills and other manufactories in Madison County in this State; to confer upon it other powers enumerated in this act, and to exempt its mills and factories so erected from taxation for ten years.

Rights

Section 1. Be it enacted by the General Assembly of Alabama, That the Merrimack Manufacturing Company, a corporation of the State of Massachusetts, is hereby authorized to own, build, construct, purchase and operate cotton, linen, woollen and silk mills and other manufactories in Madison county, in this State, with the additional powers

enumerated in subsequent sections of this act. And for the purposes embraced in and covered by this act, said corporation is hereby vested with all the powers, rights and privileges of a domestic corporation.

Sec. 2. Be it further enacted, That the said corporation shall have power and authority to manufacture, spin, dye, print, bleach, finish and sell and buy all goods of every kind made of cotton, wool, linen and silk, or of which cotton, wool, linen and silk, or other fibrous articles may form a part, and any other articles of any nature or kind whatever, which it may from time to time desire; to spin cotton, grind and mill wheat, corn and other grains, to saw lumber, gin cotton, pack cotton, sell merchandise, mine, ship and sell coal; to produce and make all machinery, tools and implements necessary to or used for any of the foregoing purposes; to develop power by electricity and utilize the same, to erect wires for the transmission of such power to distant points, to furnish and sell the same to other parties, to construct and operate a system or system of water works or gas works, telephone or telegraph or electric lines; to erect such dams, canals, mills, factories, buildings, machine shops, stores, dwellings and other works as may be necessary or convenient to carry out any or all such branches of manufacture and business, and also for the transaction of any and all business connected with the powers above recited.

Sec. 3. Be it further enacted, That said corporation shall have full power and authority to purchase, acquire and hold all such real and personal property as may from time to time be required for its purposes, or such as may be obliged or may deem for its interest to take in settlement of any debts due said corporation and may dispose of the same in such manner and on such terms as it may deem proper.

Sec. 4. Be it further enacted, That the said corporation shall have full power and authority to lay off its lands in lots and parcels, and to lease, sell, donate or convey the same, to construct, own, sell,

Powers

Lands, etc

rent and lease houses and other improvements and to improve its lands in such manner as it may deem fit; to make sales, donations, or loans of its lands and other property, money or effects to individuals or other corporations; to invest the whole or any part or parts of its funds or property in the capital stock or bonds and become a share holder by subscription, either in cash or in property, real or personal, or by purchase of stock in other corporation formed, or to be formed, and to retain or dispose of such stock in whole or in part, at pleasure, exercising all the rights and powers of stockholders in such corporations: Provided, however, That the said corporation shall not consolidate with or hold a controlling interest in the stock or bonds of any other telegraph company owning a competing line or acquire by purchase or otherwise any other competing line of telegraph, to borrow money, to issue bonds from time to time, in such amounts as it may deem proper for the payment of money borrowed or for its indebtedness, and to secure the same by mortgage on the whole or any part of its property; to lease, construct and operate or to assist other persons or corporation in such manner as the said corporation may deem desirable. in leasing, constructing, owning and operating mills, factories, work shops or other industrial enterprise of any kind, whether herein enumerated or not, and at its pleasure to become an incorporator of the same in like manner as a natural person.

Right of way Sec. 5. Be it further enacted, That said corporation shall have full power and authority to open, construct and operate such system or systems of telephone, telegraph and electric lines as it may deem advisable and to extend and enlarge the same from time to time as it may deem necessary; to contract with any person or corporation, the owner of any lands or of any franchise or leaseament over which such telephone, telegraph or electric lines are proposed to be erected for the right-of-way for planting, repairing and preserving its poles, to condemn a right-of-way over the lands, franchise and leaseaments of other persons and corporations and

the right to erect poles, upon making just compensation as now provided by law.

Sec. 6. Be it further enacted, That the said corporation shall have full power and authority to construct and operate such system or systems of water works as it may deem advisable, and for that purpose is hereby authorized to construct all needed canals and ditches and by-pipes and aqueducts as may be found best suited for that purpose to carry to its principal building, or the vicinity thereof, by such line or route, as may be found best, such water as may be needed from any point in Madison county. In laying its pipes and the construction of aqueducts when acquired, said corporation is hereby authorized to use, free of charge, any and all public roads of said county, but when its pipes are laid or under said roads or its other works completed, said corporation shall, without delay, restore said roads to their original condition for use as public highways and thoroughfares, and said corporation shall have the right to enter upon lands of private persons, and therein, and beneath the surface thereof, to lay pipe for the conveyance of said water, and thereafter to repair and maintain the same; but before entering upon any private property, must first pay the owner thereof such reasonable compensation for its use of said land for its system of water works as may be agreed upon with said owner, or in case of disagreement, as may be ascertained upon proceedings for that purpose as directed by law for the condemnation of private property or the use thereof to public use.

Sec. 7. Be it further enacted. That said corporation also have the power to locate, construct and operate to and from its mines, furnaces, mills, factories or other works, railways, tramways, dummy lines, canals or roads whereby a connection may be made to and with the principal place of its business, its mines, furnaces, mills, factories or other works, and any public highway, turnpike, macadamized, plank or other graded road or railroad, or navigable waters, to or with its

mines or timber lands, or canals or other aqueducts to and from its mills or factories or furnaces and any waters or water courses; and such corporation shall also have the power to transport, as a common carrier, persons or property upon any railroad or other road or any canal or aqueduct constructed or purchased by it, taking reasonable compensation. If necessary, in the construction of such canals, aqueduct, railways, tramways or roads, the corporation shall have the right to condemn land, or any interest or any leasehold thereon private property for a way not exceeding one hundred feet in width through such canal, aqueduct and railway, tramway or road; such corporation shall have the power to erect at such places as may be deemed convenient for its use, depots or other buildings or structures, or wharves, and may purchase, hire or charter vessels or boats for the transportation of its products or property; and it may construct, or aid in the construction of railroads, and may establish, or aid in the establishment of lines of vessels or boats running to and from such depots or buildings or structures or wharves, and may own stock in other corporations.

Municipal tax Sec. 8. Be it further enacted, That without the consent of a majority in value of the stockholders of the said corporation expressed at stockholders meeting, the property of said corporation shall not be included in the limits of any municipal corporation or taxing district organized after the acquisition of the said property by said corporation.

Deputy sheriff Sec. 9. Be it further enacted, That upon the request of the president or general manager of said corporation, the sheriff of Madison county may appoint a deputy sheriff, who shall reside on the property of the said corporation, situated in Madison county, who shall take the oath of office and give bond as now provided by law for the deputy sheriffs; and said deputy sheriff so appointed shall have the right and authority to arrest persons either with or without a warrant, as now provided by law, and execute all process, either civil or criminal, as other deputy sheriffs of said county: Provided,

Such deputy sheriff shall receive only such fees as are now provided by law.

Sec. 10. Be it further enacted, That provided Time to com-
mence said corporation shall, within two years of the approval of this act, erect within the limits of Madison county, State of Alabama, a building or buildings, and furnish and equip the same with the necessary machinery and appliances to the capacity of ten thousand (10,000) spindles at least, for manufacturing cotton, yarn or cloth, the said corporation shall be entitled to claim and have exempt from assessment and collection of State, county and municipal taxation for a period of ten years, all buildings, machinery, appliances and appurtenances which it may erect, construct or provide in the connection with its plant for manufacturing, bleaching, printing and dyeing cotton, woolen, silk, linen or any other material whatsoever; and the same and every part of the same are hereby declared to be exempt from State, county and municipal taxes.

Sec. 11. Be it further enacted, That this act shall Public act be deemed and taken as a public act, and shall go into effect from and immediately upon its passage.

Approved February 17th, 1899.

No. 493)

AN ACT

(H. 1203

To authorize and direct the Court of County Revenues for Dallas County, Alabama, to erect a new courthouse for said Dallas County, at Selma, Alabama, on land to be procured for the purpose.

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Revenues of Dallas county, Alabama, is hereby authorized and directed to erect for the use of Dallas county, Alabama, a new courthouse at Selma, in said county. New court
house

Sec. 2. Be it further enacted, That said court- Location house must be erected on land to be procured by

Title	<p>said Court of County Revenues for that purpose, said site to be convenient to the business portion of the county seat of said Dallas county.</p> <p>Sec. 3. Be it further enacted, That the title to any land procured for the purpose of erecting thereon said courthouse shall be taken in the name of said Dallas county.</p>
When shall begin	<p>Sec. 4. Be it further enacted, That said Court of County Revenues shall begin the erection of said courthouse as soon as practicable after the passage and approval of this act, and not later than the first day of October, 1899: Provided, however, That if the erection of the same is not begun by October 1st, 1899, it shall be the duty of said Court of County Revenues to begin the erection thereof as early as practicable thereafter.</p>
Kind of building	<p>Sec. 5. Be it further enacted, That said courthouse shall be built of first-class materials, and the walls and foundations of brick or building stone, and it shall be provided with fire-proof departments, for the safe keeping of the records of the Court and county officers. The plans and specifications of said courthouse, and the capacity and cost of said building shall be determined by the said Court of County Revenues. The entire expense of said courthouse at its lowest reasonable actual cost shall not be less than twenty-five thousand dollars, and shall not exceed forty thousand dollars.</p>
Advertise for proposals	<p>Sec. 6. Be it further enacted, That before making any contract for the erection of said courthouse, said Court of County Revenues shall advertise for bids for building the same, including said fire-proof vaults or departments; such advertisement shall be made for four weeks, and in at least two of the papers published in Selma, Alabama, and in at least one paper published in Birmingham, and one in Montgomery, Alabama, and shall be inserted once a week for four weeks in said newspapers. The said Court of County Revenues shall require from each firm, corporation or person with whom it makes a contract for the erection of said building or part thereof, to enter into bond for such amount as said Court may require for the faithful perform-</p>
Bond	

ance of said contract, which bond shall be payable to Dallas county; and for any breach thereof, suit may be brought by said county, in its name, in any Court in this State having jurisdiction of the subject matter against the maker or makers thereof.

Approved February 17th, 1899.

No. 494)

AN ACT

(H. 1349)

To amend Sections 9, 12 and 14 of an act entitled "An act to establish a new charter for the Town of Roanoke, of Randolph County, Alabama," approved December 11, 1890.

Section 1. Be it enacted by the General Assembly of Alabama, That Sections 9, 12 and 14 of an act entitled "An act to establish a new charter for the town of Roanoke, Randolph county, Alabama," approved December 11, 1890, be, and the same are, hereby amended so as to read as follows: That Section 9 be amended so as to read as follows: "That the mayor shall receive for his services two hundred dollars per annum, to be paid monthly out of any money in the treasury of said town." Section 9
amended

Sec. 2. Be it further enacted, That Section 12 be amended so as to read as follows: "That the mayor shall make a written statement to the council of said town of the financial condition of said town at least every three months, which statement shall be published in a newspaper published in said town." Section 12
amended

Sec. 3. Be it further enacted, That Section 14 be amended so as to read as follows: "That all fees which the marshal be entitled to shall be turned into the treasury of said town, and that said marshal shall only receive a salary prescribed by the mayor and councilmen of said town." Section 14
amended

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal

Approved February 17th, 1899.

No. 495)

AN ACT

(H. 1350)

To authorize and empower the mayor and council of the Town of Greensboro, Alabama, to issue bonds in a sum not to exceed ten thousand dollars for the purpose of borrowing money to pave, macadamize, chert, or otherwise improve the streets of said town.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the town of Greensboro be, and they are hereby, authorized to issue bonds in an amount not to exceed ten thousand dollars, all of which are to be coupon bonds, bearing interest payable semi-annually, at such place or places as may be designated therein, and shall be issued under the corporate seal of said town, and be signed by the mayor and the treasurer of said town, to bear interest at a rate not to exceed six per centum per annum, and to run for such time, not to exceed thirty years from that date, as may be determined by said mayor and council. None of said bonds shall be of a lower denomination than one hundred dollars, and shall not be sold or disposed of by the mayor and council at less than their par value.

Use of
proceeds

Sec. 2. Be it further enacted, That the proceeds of the sale of said bonds shall be used, applied by the said mayor and council for the purpose of paving, macadamizing, cherting or improving the streets of said town; the streets to be so improved to be selected by said mayor and council, and such improvements to be made under regulations prescribed by said mayor and council.

Approved February 17th, 1899.

No. 496)

AN ACT

(H. 1266)

For the preservation of game, animals and birds in
Dallas County.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful at any place in Dallas county to catch, kill or injure or pursue with such intent, any wild turkey between April 1st and November 1st, or to destroy nests or remove eggs from the same at any time; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any turtle dove, sometimes called mourning doves, between April 1st and July 10th; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any quail, or to sell or offer the same for sale between March 1st and November first, or to destroy the nests or remove eggs from the same; and it shall be unlawful at any time to catch or pursue with such intent, any quail, sometimes called partridge, with a net or trap at any time.

Game law

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Penalty

Approved February 17th, 1899.

No. 497)

AN ACT

(H. 599)

For the relief of Robert A. Morris, County Registrar for Jefferson County.

Section 1. Be it enacted by the General Assembly of Alabama, That upon the passage and approval of this act, the Court of County Commissioners of Jefferson county be required to draw their warrant on the county treasurer of said county for the sum of two hundred dollars, for the relief of the said Robert A. Morris, for his services as such county registrar for two years, ending with election in November, 1898.

Relief

Approved February 21st, 1899.

No. 498)

AN ACT

(H. 695

To change the corporate name of the District of Opelika.

Change of
name

Section 1. Be it enacted by the General Assembly of Alabama, That the corporate name of the "District of Opelika," a corporation heretofore created by an act of the General Assembly of Alabama, approved February 19, 1883, entitled "An act to incorporate The District of Opelika, and provide for the government thereof," be, and the same is, hereby, at the request of said corporation, changed to the City of Opelika.

Rights

Sec. 2. Be it further enacted. That said corporation shall have and possess, and may exercise all the rights, powers, franchises, privileges and immunities heretofore vested in it under the name of the "District of Opelika."

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 21st, 1899.

No. 499))

AN ACT

(H. 959

To regulate the granting of licenses to sell spirituous or vinous liquors in Andalusia Beat, Covington County.

License

Section 1. Be it enacted by the General Assembly of Alabama, That no license to sell or retail spirituous or vinous liquors in Andalusia beat, in Covington county, shall be granted except on the terms prescribed in the second section of thist act.

Election

Sec. 2. Be it further enacted, That whenever any ten householders or freeholders of said Andalusia beat shall petition the probate judge of said county for license for any person to sell or retail vinous or spirituous liquors in said precinct, it shall be the duty of said probate judge to cause an election,

by the qualified voters of said beat, to be held at the place of holding elections therein; and the probate judge shall appoint the managers for holding said election, and the voters shall vote by ballot; those in favor of such license, shall vote a ticket with the word "License" written or printed thereon, and those voting against such license shall vote a ticket with the words "No license" written or printed thereon. The votes shall be counted and certified as required by the general election law of the State, and the return, certified, shall be sent to the probate judge within five days after said election, by a messenger to be appointed by said manager. The judge of probate shall thereupon either grant or refuse a license, according as a majority of the voters of said beat voting at said election shall decide, as by the said returns may be shown. The applicant shall pay all the expenses incident to holding the election provided for in this section. Notices for ten days shall be given of said election, by posting the time of said election at three or more public places in the said Andalusia beat, and, also, one notice at the courthouse door.

Sec. 3. Be it further enacted, That if a license shall be granted in said beat under the provisions of this act, the person or persons so receiving license shall comply with the general laws regulating the sale of liquors, and shall be subject to all the rules and liabilities of licensed retailers under the general laws of the State. Rules

Sec. 4. Be it further enacted, That whenever an election has been held in the said Andalusian beat on the question of license or no license, and it shall be decided adversely to license, then no other election on this question shall be held until twelve months have elapsed from the last election; and whenever it has once been determined, under the provisions of this law, that license may be granted in said beat, then any one presenting the qualifications required by the general law may receive license in said beat. Time between elections

Sec. 5. Be it further enacted, That all laws, prohibiting the sale or giving away of spirituous, vin- Repeal

ous or malt liquors or intoxicating bitters in the said Andalusia beat, in Covington county, be, and the same are, hereby repealed.

Approved February 17th, 1899.

No. 500)

AN ACT

(H. 1240

To authorize and empower the Board of Revenue of Butler County to levy and collect a special tax, not exceeding one-half of one per cent. on the value of the property of the said county, for the purpose of erecting bridges over streams along public highways in said county.

Special tax Section 1. Be it enacted by the General Assembly of Alabama, That the board of revenue of Butler county is authorized and empowered to levy a special tax, not to exceed one-half of one per cent. per annum on the value of the property of said county, for the purpose of erecting bridges, to be constructed of iron, wood, brick or stone, or a combination of such material as said board of revenue may deem best, over the streams along the public highways in said county.

Assessment and collection Sec. 2. Be it further enacted, That said taxes when levied shall be assessed and collected as taxes for general purposes are now levied and collected in said county. Said taxes, when collected, shall, by the tax collector, be paid over to the county treasurer of said county.

Use of funds Sec. 3. Be it further enacted, That the treasurer of said county shall keep the taxes so received as a separate fund to be called the "bridge fund" of the county; that said treasurer shall pay money out of said bridge fund only on order or warrant drawn upon him by the president of the board of revenue of said county, which said orders or warrants must be authorized by the board of revenue in their minutes. That said board of revenue shall use said fund wholly for the purpose of building and erecting bridges over the streams along the

public highways of said county; said bridges to be of such material and to be constructed under rules, regulations and specifications as said board of revenue may deem best.

Sec. 4. Be it further enacted, That the treasurer of said county shall receive as a compensation for his services in receiving and paying out the moneys from the "bridge fund" of said county, the sum of one hundred dollars (\$100.00) per annum, but shall not be entitled to any other fees or compensation for receiving or handling said money or making reports in relation thereto.

Compensation
of treasurer

Sec. 5. Be it further enacted, That in case the board of revenue of said county desire to submit the question as to whether or not they shall put this act into operation to a vote of the legal voters of Butler county, they are hereby authorized and empowered to do so, and for such purpose they are given full power to order an election and fix the time for such election. They shall report same to the probate judge, who shall call the sheriff and clerk of the Circuit Court together and appoint managers and other officers of such election, and hold such election as elections are now held. Said officers shall receive pay in all things as said officers are now paid by law.

Option of
election

Approved February 17th, 1899.

No. 501)

AN ACT

(H. 1051

To regulate the working and keeping in repair the public roads in Butler County; to authorize the issuance of bonds for such purposes, create a road fund for said county, and to create the office of Public Road Supervisor, and prescribe his duties and powers, and provide for working convicts on the public roads.

Section 1. Be it enacted by the General Assembly of Alabama, That the board of revenue of said county is hereby authorized and empowered to is-

Bonds

Bonds

sue bonds of said county to the amount of one hundred thousand dollars (\$100,000), the proceeds of which shall be applied exclusively to the construction and building macadamized, turnpike, gravel or chert roads, and for the repairing and improving of the public roads in said county; that said bonds may, in the discretion of said board of revenue, all be sold at one and the same time, or at such times and in such amounts as they may deem best; and said board of revenue of said county shall be entrusted with the duty of having designed and prepared the said bonds, and selling the same; that said bonds shall be one hundred (100) in number, for one thousand dollars (\$1,000.00) each; said bonds shall number from one to one hundred (1 to 100) consecutively, to be made due and payable at the expiration of thirty-five (35) years from their date, and interest not to be more than five (5) per cent. per annum, to be paid annually on the 1st day of January of each calendar year, and evidenced by coupons attached to said bonds; said bonds to be made negotiable and payable, both principal and interest, at some designated point or banking house in the City of Greenville, Alabama, or Montgomery, Alabama, or in the City of New York; that said bonds shall be sold and negotiated for the highest price said board of revenue can obtain therefor, not less than their face value; said bonds to be signed by the probate judge of said county, with the seal of said office attached; the coupons to be attached to each bond and to bear the number of the bonds to which they are attached, signed by the treasurer of said county, and to be made payable at the place above set forth. The proceeds of said bonds, as the same are sold, shall be paid to the treasurer of said county, whose duty it shall be to receive same, to be kept by him as a separate fund, called the "road fund," to be paid out as hereinafter provided.

Sec. 2. Be it further enacted, That said county treasurer shall manage and make reports of said funds as required of him by law or "general or contingent funds" of the said county, but said ac-

counts and reports of said road fund shall be kept separate from the general or contingent fund of the county; that before any of the money arising from the proceeds of the sale of the said bonds is paid over to the treasurer of said county, he shall give such additional bond as the board of revenue of said county may deem proper to require to protect with safety the money arising from the sale of said bonds provided for by this act—in no event shall said additional bond be less than twenty thousand dollars (\$20,000.00), said bond to be taken and approved and recorded as county treasurer bonds are now taken and recorded. Said treasurer shall pay out money of said road fund only upon warrants or orders drawn upon him by the president of said board of revenue of said county, which said warrants or orders must be authorized by the board of revenue of said county, as warrants and orders in the general or contingent fund now authorized by them. That the treasurer may deposit the proceeds of the sale of said bonds in a bank or banking company in Greenville, Alabama, or in Montgomery, Alabama, if such bank or banking company can secure him well against loss; and said treasurer shall have the assistance of counsel, employed by the said board of revenue, should one be required, to assist in preparing such papers as he may desire to properly secure him against loss on such deposits. Said treasurer shall receive compensation for his services in receiving and paying out the moneys from the road fund of said county, the sum of one hundred dollars (\$100.00) per annum, but shall not be entitled to any other fees or compensation for receiving or handling said money, or making reports in relation thereto.

County
treasurer

Sec. 3. Be it further enacted, That said board of revenue of said county is authorized and empowered at such time as they may deem expedient to transfer from the general or contingent fund of said county to the road fund of said county such amount or amounts as in their judgment may be advisable; that orders transferring said amounts must be recorded in the minutes of said board of

Road fund

revenue at the time such transfers are made; that such transfers must always be made at a regular meeting of said board of revenue; that when such transfers or orders are made, the president of said board of revenue shall notify the treasurer of said county, who shall make the necessary entries on his books and accounts showing the transfer of said amount or amounts from said general or contingent fund to said road fund.

Taxes ex-
empted from

Sec. 4. Be it further enacted, That the bonds issued under this act shall be exempt from taxation by the County of Butler, or by any municipal corporation now, or hereafter, organized in the County of Butler.

Supervisor

Sec. 5. Be it further enacted, That within sixty (60) days after the passage of this act, there shall be elected by the board of revenue of Butler county, a public road supervisor, who shall be paid a salary of not exceeding sixty dollars (\$60.00) per month while he is actually engaged in having the public roads in said county repaired or constructed, said salary to be paid out of the road fund; he shall take an oath to faithfully perform his duties and give bond in the sum of one thousand dollars (\$1,000.00), payable to said county, faithfully to perform his duties as such supervisor, and to account for all funds which may be paid to him or received in any manner by him in his official capacity; said bond shall be taken, approved and recorded as official bonds are now taken, approved and recorded. Said public road supervisor shall verify his account for services, and the board of revenue shall order the same paid, if, in their opinion, it is correct. Said public road supervisor shall have a general supervision, subject to the rules and regulations of the board of revenue, over all the public roads in said county. Said road supervisor shall not be entitled to extra compensation for expenses.

Engineer

Sec. 6. Be it further enacted, That the board of revenue of said county is hereby authorized, whenever they see proper, to employ a good and competent civil engineer to assist in the proper construction of said roads, also to employ counsel to prepare contracts and act as adviser, and to do any

other legal work said board of revenue may wish done; said engineer and counsel to be paid out of the road fund of said county on the order of the board of revenue.

Sec. 7. Be it further enacted, That the board of revenue of Butler county is given full power to condemn lands for the purpose of straightening or changing the direction of the public roads of Butler county; that such changes shall be made under the same laws and in the same manner as changes in the public roads were formerly made by the Commissioners Court of said county; that the said board of revenue shall have power to purchase gravel, stone, chert or any other material necessary for the purpose of constructing turnpike, macadamized, gravel or chert roads, or for the purpose of constructing and repairing the public roads of said county, in any way deemed by them advisable; to purchase teams, road machinery, road tools, carts, wagons and such other implements and machinery as may be necessary; and purchase cages or contrivances, or to build such houses as will be necessary for the purpose of working the convicts on the public roads, as hereinafter provided.

Powers of
board of
revenue

Sec. 8. Be it further enacted, That all male persons in Butler county between the ages of twenty-one (21) years and fifty (50) years, except as hereinafter provided, shall be required to work on the public roads ten (10) days during the year, or to pay in lieu thereof the sum of four dollars (\$4.00) as a road tax; that when the road supervisor desires the work of any person subject to road duty, he must, in person or by some one appointed by him for that purpose, give notice, written or printed, to such person at least five (5) days before he desires him to report. Said notice must give the time and place at which such person must report for work, and it shall be sufficient if such notice is left at the residence or the place of business of the party to be notified; but no person shall be required to work further than six (6) miles from his home or his place of business: Provided, That

Work on
roads

Road tax

any person may, within three (3) days after he has been warned or notified to report for work on the public road, pay the sum of four dollars (\$4.00) to the county treasurer, who shall give a receipt therefor; and when said receipt is exhibited to the road supervisor he shall give such person a written discharge from further road duty during such year. Said money, when paid, shall become a part of said road fund, and used as such; that if such person reports for road duty, as required by the road supervisor, said supervisor shall place him under a road contractor or overseer, and when said person has worked ten days on the public roads, a day to begin at seven o'clock a. m., and end at five o'clock p. m., stopping one hour for dinner, the road supervisor shall give such person a written discharge from further road duty during such year. In case any person fails to report or fails to pay the said four dollars road tax required by this section, or who reports and refuses to do reasonable work as required by the road contractor or overseer, the road supervisor shall institute in the County Court of said county criminal proceedings against said party as prosecutions for misdemeanors are now commenced in said Court; that such party, on conviction, shall be fined not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00), or sentenced to imprisonment in the county jail or to hard labor for the county for the period of one day for every dollar of the fine imposed: Provided, That any person who resides in an incorporated town or city in said county and who exhibits his receipt for an amount equal to four dollars, given by the tax collector of said municipal corporation to be used for working the streets of said municipal corporation, shall not be required to work ten days or to pay the four dollars road tax as required by this section, during the year for which said municipal tax was collected; but no person who belongs to any fire company or military organization shall be exempt from working the public roads or paying the road tax as required by this section;

Defaulters**Provisos**

provided further, that any person between the ages of twenty-one and fifty years is physically unable to work the public roads, he shall be required to obtain from the board of health of the county, while said board of health is in session, a certificate of such disability, which said certificate must be signed by a majority of the board of health, which said certificate must be presented to the public road supervisor. In case said road supervisor is of the opinion that said party obtained said certificate by fraud or misrepresentation, he may refuse to regard same and proceed against such party for failure to work the public roads as provided above; provided further, that any party who, when this act is approved, is now exempt from road duty on account of having become forty-five (45) years old, will not be required to work the ten days or to pay the four dollars, as provided for in this section.

Sec. 9. Be it further enacted, That said board of revenue of said county is hereby empowered and authorized to work on the public roads in said county, all persons sentenced to hard labor for said county for crime, and all persons sentenced to the penitentiary by the Courts of Butler county for a term of not exceeding five (5) years. Said board of revenue is given full power and authority to make such rules and regulations and to make such provisions as in their judgment are necessary to carry this section into effect.

County con-
victs

Sec. 10. Be it further enacted, That the board of revenue of said county is authorized and empowered to let contracts for constructing and maintaining chert, macadamized, gravel or turnpike roads, and repairing and keeping in repair the public roads in said county; that said contract may, as in the judgment of said board of revenue seem best, be let to one contractor for the whole county, or said roads may be divided into sections and let to different contractors; said contract, either for constructing, building, improving or maintaining any or all of said roads, shall be made by letting same to the lowest responsible bidder. Before letting any of said contract, said board of revenue shall

Road con-
tracts

Road convicts

advertise thirty (30) days in at least two newspapers of said county for sealed proposals to build, construct or repair, or maintain said roads, or any part thereof, with the privilege of accepting or rejecting any or all of said bids. Said board of revenue may require said contractor or contractors to use, as part of their working force, the labor provided for in Sections 8 and 9, or either of said sections, of this act, the proper credit to be given to the county for such labor if the same is so used. If any of said bids are accepted, said board of revenue is required to contract with the contractor in writing, such contract shall be signed by said contractor, and the county of Butler by said board of revenue; provided, said county will not be liable for the payment of the amount of said contract except out of said road fund. Said board of revenue shall have said contractor to deliver to them, before work is commenced on any of said roads, a bond for such sum as the board of revenue may determine, in no case for less than the amount of contract, payable to the County of Butler, conditioned for the faithful performance of said contract within the time specified therein, in a first-class condition, a skilful and workmanlike manner, and according to the specifications which shall be set out in said contract. Said bond shall be approved by said board of revenue, but not until they are satisfied that the sureties thereon, not less than two in number, are sufficient to secure said county. Should the principal thereon fail to comply with said contract, he shall be liable to the county for the amount of said bond. Said contract and bond shall be filed and recorded in the office of the judge of probate of said county.

Authority of
board

Sec. 11. Be it further enacted, That the board of revenue of said county is authorized and empowered, in case they deem best, to hire an overseer or contractor, under whom the labor provided for in Sections 8 and 9 of this act, or either of said sections, may be worked; and said board of revenue is given the full power and authority to prescribe rules and regulations for the working of said la-

bor: Provided, That such overseer or contractor shall not be paid over thirty dollars (\$30.00) per month and shall be required to give bond in the sum of five hundred dollars (\$500.00) for the faithful performance of their duties, said bonds to be taken, approved and recorded as bonds provided for in Section 10 are taken, approved and recorded. Said overseer shall be under the general supervision of the road supervisor of said county, and their salaries shall be paid out of the road fund on the order of the board of revenue.

Sec. 12. Be it further enacted, That the fixing of the width of said roads and the character of said stone, concrete, gravel or other material used in their construction shall rest in the discretion of said board of revenue, they having reference to the necessities of travel thereon. Width, etc

Sec. 13. Be it further enacted, That no timber cart, log cart, or other vehicle used for the purpose of hauling round logs or hewn timber, or sawed timber, shall, after the 1st day of June, 1899, be allowed to pass over, on or along any of the public roads of Butler county unless such timber cart, log cart or other vehicle so used, has tires not less than ten inches in width; and any person or persons, firm or corporation, or agent or employee of such person or persons, firm or corporation, who carries, or causes to be carried, or allows to be carried, any timber cart, or log cart, or other vehicle mentioned in this section on, along or across any public roads of said county, when such timber cart or log cart, or other vehicle above mentioned has a tire of less than ten inches in width, shall, on conviction, be fined for each offense not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or sentenced to imprisonment in the county jail, or hard labor for the county, for a period of one day for each dollar of fine imposed. Prosecutions for said offense may be commenced in the County Court of said county by the road supervisors as prosecutions for misdemeanors are now commenced in said Court. Timber and
log wagons

Penalty

Sec. 14. Be it further enacted, That the board of revenue of said county are hereby authorized

Toll gates

to establish toll gates on said roads, if at any time they deem it best for the interests of said county, not less than five miles apart, and to fix such reasonable rates of toll to be collected thereat of all persons who do not reside in the county traveling said road, as may be just and proper, and to appoint keepers for said gates to collect said tolls, whose duty it shall be to turn over the same to the county treasurer of said county, who shall credit the same to the road fund; but said keepers shall not receive for their services over twenty (20) per cent. of the amount of toll collected by them; said compensation to be fixed, allowed and paid by order of said board of revenue.

Working
roads

Sec. 15. Be it further enacted, That the public roads of Butler county shall continue to be worked as they are now worked, until the board of revenue of said county shall see proper to put the provisions of this act into effect.

Annual pub-
lications

Sec. 16. Be it further enacted, That it shall be the duty of said board of revenue of said county to make annual publications in at least one newspaper in the county on the first day of January of each year, showing the amount received for such road fund, from what source received, and specifying particularly to whom and for what it was paid out.

May hold
election

Sec. 17. Be it further enacted, That in case the board of revenue of said county desire to submit the question as to whether or not they shall put this act into operation, to a vote of the legal voters of Butler county, they are hereby authorized and empowered to do so, and for such purpose they are given full power to order an election and fix the time for such election. They shall report same to the probate judge, who shall call the sheriff and clerk of the Circuit Court together and appoint managers and other officers of such election, and hold such election as elections are now held. Said officers shall receive pay in all things as said officers are now paid by law.

Approved February 17th, 1899.

No. 502)

AN ACT

(H. 652)

To authorize the Town of Marion to issue bonds for the purpose of extending, improving, maintaining and operating the system of water works located in said town, to an extent not exceeding four thousand dollars.

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the town of Marion be, and they are, hereby authorized to issue bonds of said town to an amount not exceeding four thousand dollars, or so much thereof as the mayor and council may deem necessary for the purpose of extending, improving, maintaining and operating a system of water works located in and owned by said town, in sums not less than one hundred dollars each and not more than one thousand dollars, as said mayor and council may elect; that the principal and interest in said bonds be payable in gold at the present weight and fineness, to such person or persons as said bonds may designate, not exceeding thirty years from date thereof. Bonds

Sec. 2. Be it further enacted, That said mayor and council shall have the right, at any time after the expiration of 10 years from date of said bonds, to redeem the same upon the payment of the principal and interest due thereon; that said bonds shall have coupons attached thereto, bearing six per centum interest, payable semi-annually to bearer, at the place of payment named in said bonds and coupon; and the faith and credit of said town of Marion shall be, and is, hereby pledged for the payment of the interest on said bonds as the same shall accrue, and for the payment of the principal and interest at maturity, to meet which said mayor and council shall, and it is hereby made their duty to set apart, out of the general revenues of said town, such sums as may be necessary; and the bonds herein provided for shall have priority over any other that may hereafter be issued; and that it shall Right to redeem

be the duty of said mayor and council to provide for the payment of the same, principal and interest, before providing for the payment of any other bonds which they may hereafter issue.

Authority of
mayor and
council

Sec. 3. Be it further enacted, That said mayor and council of said town of Marion are hereby authorized and empowered to negotiate and sell such bonds as are issued by them under this act, and the proceeds of said bonds shall be paid over to and kept by the treasurer of said town of Marion, and shall be used and applied for the purpose solely of extending, improving, maintaining and operating the system of water works now owned by said town; and in order to secure the payment of bonds issued under the provisions of this act, the said mayor and council of the town of Marion are authorized and empowered to execute and deliver to the purchasers of such bond as may be designated, or trustees, a deed of trust containing a lien, for the payment of said bonds, upon the water works system owned by said town of Marion, containing such provisions and stipulations as may be agreed upon by said mayor and council and the purchaser or purchasers; and said deed and trust shall be prior to all other liens except the one heretofore executed by said mayor and council under and by authority of an act entitled "An act to authorize the mayor and council of the town of Marion" (here insert caption of act in 94-95, page 391.)

Use of pro-
ceeds

Sec. 4. Be it further enacted, That in the event of the sale of said bonds by the mayor and council, the use, application and payment of the proceeds shall be under the direction of and by the authority of said board of mayor and council; and the treasurer shall be responsible for the safekeeping of all of the proceeds arising from the sale of said bonds, which may come into his hands in his official capacity, the same as any other city funds or money in his hands as treasurer; and no commission shall be paid to said city treasurer for receiving and disbursing said funds received under the provisions of this act.

Sec. 5. Be it further enacted, That all bonds authorized to be issued under the provisions of this

act shall be signed by the mayor and countersigned by the treasurer of said town; and the said town, if it deems best so to do, may have the fac simile signatures of the said mayor and the said treasurer engraved or lithographed on said coupons, and such engraving or lithographing shall be to all purposes treated as the signatures of said mayor and said treasurer.

Signed by

Sec. 6. Be it further enacted, That the said mayor and council of Marion are hereby authorized and empowered to do any and all things that may be necessary to carry into effect the powers granted by this act, either through themselves or by any agent or agents duly authorized or appointed by them for that purpose, at any meeting of said board, whether at a regular or a special meeting thereof, and no technical informality, irregularity, neglect or omission in the proceedings or records of said board shall in anywise vitiate or impair said bonds or coupons, which shall have all the properties and protection of commercial papers; and when said bonds and coupons shall have been issued by the said mayor and council of the said town of Marion, as provided in this act, the said mayor and council of the said town of Marion, and their successors in office, shall not question or delay the validity of said bonds and coupons.

Authority of
mayor and
council

Sec. 7. Be it further enacted, That bonds authorized to be issued under this act shall be exempt from all municipal taxation; and it shall be unlawful for the said board of mayor and council, or any member thereof, or for any of the officers of the said town of Marion, to apply the proceeds of the sale of the bonds issued in pursuance of this act to any other purpose than that hereinbefore specified.

Exempt from
municipal
tax

Sec. 8. Be it further enacted, That all laws and parts of laws, whether general or special, in conflict with the provisions of this act be, and the same are, hereby repealed.

Repeal

Approved February 17th, 1899.

No. 503)

AN ACT

(H. 331

To amend Section 22 of an act entitled "An act to establish the City Court of Gadsden," approved February 18th, 1891.

Section 22
amended

Fines and
forfeitures

Section 1. Be it enacted by the General Assembly of Alabama, That Section 22 of an act entitled "An act to establish the City Court of Gadsden," approved February 18th, 1891, be amended so as to read as follows: Section 22. Be it further enacted, That the fines and forfeitures accruing in said Court shall be payable either in money or in claims against the fine and forfeiture fund of Etowah county, which have or may be registered as required by law and shall be collected in the same manner as fines and forfeitures are now collected in the Circuit Courts of this State and shall be paid to the clerk of said Court and by him shall be paid, together with said jury tax fees, into the treasury of said Etowah county. Said jury tax fees to be placed in the general fund of said county and the amount arising from fines and forfeitures to be placed in the fine and forfeiture fund of said county and shall make such payments quarterly. And on such days in each year thereafter the clerk of said Court shall make a report in writing under oath to the county treasurer of said county showing the number of convictions, the offense for which each was convicted, the fine assessed against each, the number of forfeitures taken, the amount of jury tax fees and the amount of solicitor's fees, taxed together with the items and amounts collected in each case and the disbursements of same which have accrued in said City Court during the quarter preceding and shall at such times pay over to said treasurer all such moneys or claims coming from all sources, which shall be in his hands due and payable said County of Etowah.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 17th, 1899.

No. 504)

AN ACT

(H. 434)

To provide for the assessment of State and County taxes on real property within the corporate limits of the City of Anniston.

Section 1. Be it enacted by the General Assembly of Alabama, That to secure a fair and full valuation of property liable to taxation in the City of Anniston, the mayor and city council thereof shall appoint each year during the month of August three appraisers of real property situated or taxable within the corporate limits of said city, who shall be resident taxpayers of reputed honesty, intelligence and sound judgment, who shall be paid by said municipality two and a half dollars per day for every full day's work performed in appraising the said real property. Said city appraisers shall not act more than twenty working days in any one year. Appraisers

Sec. 2. Be it further enacted, That said city appraisers shall, prior to October 1st of each year, inspect all the real property within the corporate limits of said city and appraise and value every piece or parcel thereof. In making such appraisal or valuation, the appraisers shall value it at its cash value, taking into consideration its extent and amount, whether improved or vacant, whether vacant and lying idle, or occupied and in use, the amount and character of the improvements, and every other circumstance of whatever nature which would reasonably or generally affect the value or true worth of such property. Duties

Sec. 3. Be it further enacted, That before entering on the discharge of his duties, each of said appraisers shall take and subscribe to the following oath, which may be administered by the said appraisers to each other or by the mayor of Anniston: "State of Alabama, County of Calhoun.—I, _____, having been selected as appraiser of real property in the City of Anniston, do solemnly swear that I will truly, fairly and honestly ap- Oath

praise and value all property in said city at its real cash value, and that I will not put any fictitious, arbitrary or assumed value thereon, and that I will not participate in valuing or appraising any property in which I have an interest, or which I hold as trustee, guardian, executor or administrator." Said oath shall be filed in the office of the probate judge of said county.

Duty of tax
assessor

Sec. 4. Be it further enacted, That at the first appointment of the county tax assessor in Anniston for the assessment of taxes, the said appraisers shall file with the said assessor their appraisement of said real property, and when any return of taxable real property is made to said assessor, he shall refer to the valuation made by said appraisers and assess each lot or parcel of real estate to the taxpayer at the valuation fixed by said appraisers. The said assessor shall in a separate column enter on the list returned by the taxpayer or other person listing property the amount so fixed by said appraisers, and the assessor shall add to the list returned any property owned by the taxpayer, or in which he has any interest whatsoever, and which he has failed or omitted to place on such list, and the assessor shall upon demand, furnish the taxpayer with a copy of his assessment list so amended.

Escaped
property

Sec. 5. Be it further enacted, That whenever the assessor shall assess for taxation any real property, whether the property of a delinquent, where the owner is unknown, or where it has escaped taxation within five years next preceding, he shall fix the valuation of any such property as fixed by said appraisers for the year for which said property is to be assessed, if there was any appraisal for such year.

Hearing
objections

Sec. 6. Be it further enacted, That the Commissioners Court of Calhoun county shall at its sitting, beginning on the second Monday in July, hear objections to assessments as made by said appraisers as now provided by law, and from the judgment of said commissioners either party may appeal to the Circuit Court or Court of like jurisdiction, on which appeal, the proceedings shall be as now provided by law in tax cases.

Sec. 7. Be it further enacted, That all laws providing for the assesment of taxes for State and county purposes in the City of Anniston shall remain in full force and effect except as changed by this act, and all laws and parts of laws in conflict with this act are hereby repealed: Provided, That this act shall not go into effect until August 1st, 1899.

Effect of this
act

Approved February 17th, 1899.

No. 505)

AN ACT

(H. 509

To prohibit the selling, giving away or otherwise disposing of alcoholic spirituous, vinous or malt liquors or intoxicating bitters or beverages within five miles of the West Alabama Agricultural School, and Experiment Station building, in the Town of Hamilton, and within five miles of the Methodist Church in the Town of Winfield, and within a half mile of the Cedar Tree Methodist Church, near Hackleburg, in Marion County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That after the passage of this act, it shall be unlawful to sell, barter, give away, or otherwise dispose of any alcoholic, spirituous, vinous or malt liquors, or intoxicating bitters or beverages of any kind within five miles of the West Alabama Agricultural School and Experiment Station building in the Town of Hamilton, and within five miles of the Methodist Church in the Town of Winfield, and within a half mile of the Cedar Tree Methodist Church, near Hackleburg, in Marion county, Alabama.

Prohibition

Sec. 2. Be it further enacted, That any persons violating any provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than two hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than twelve months.

Penalty

	Sec. 3. Be it further enacted, That all fines imposed for violating any provision of this act shall be paid only in lawful money of the United States.
Payment	Sec. 4. Be it further enacted, That one-half of the fine collected from persons violating the provisions of this act shall be paid to the person or persons who voluntarily furnish the information and evidence necessary to secure the conviction.
Repeal	Sec. 5. Be it further enacted, That all laws and parts of laws in conflict with this act, whether special or otherwise, be, and the same are hereby, repealed.

Approved February 17th, 1899.

No. 506)

AN ACT

(H. 577

To establish a new charter for the Town of Thomasville, in Clarke County, Alabama.

Name	Section 1. Be it enacted by the General Assembly of Alabama, That the Town of Thomasville shall hereafter consist of an intendant, five councilmen and one marshal, who shall be elected biennially on the second Monday of December, by the qualified voters of said town, and said corporation shall be known and styled, "The town council of Thomasville," and by that corporate name may sue and be sued, contract and be contracted with, shall sell, buy, grant and hold real and personal property, and do all other acts incident to municipal corporations not inconsistent with the laws and Constitution of this State.
Rights	
Officers	Sec. 2. That the present officers now consisting of John Kimbrough, as mayor, and N. B. Boyles, J. V. Adams, Alexander Gunn, G. E. Nettles and Julius W. Kimbrough, as councilmen, shall constitute the board of mayor and councilmen of said Thomasville until the second Monday in December, 1900. and until their successors are elected and qualified for said offices under the rules and regulations hereafter prescribed.

Sec. 3. That the corporate limits of said town shall embrace all the territory within the following limits, to-wit: Beginning at the northeast corner of Section twenty-three (23), Township eleven (11), Range three (3), east, thence running north nine hundred feet to a point, thence running east thirteen hundred and twenty (1320) feet to the eastern boundary line of the southwest quarter of the southwest quarter of Section thirteen (13), thence south along said quarter section line to the southeast corner of the southwest quarter of the southwest quarter of Section twenty-four, thence running west along the section line between Sections twenty-four and twenty-five, twenty-three and twenty-six, to the southeast corner of the southwest quarter of southwest quarter of Section twenty-three, thence north along said quarter section line to the section line between sections fourteen and twenty-three, thence east along said section line to the place of beginning, all being in Township eleven, Range three, east.

Corporate
limits

Sec. 4. That the next election shall be held on the second Monday in December, 1900, under rules and regulations prescribed by the present town government, as existing under the present charter, and afterwards such election shall be held under rules and regulations to be prescribed by the town council as organized hereunder. At such election the male inhabitants of said town who have resided therein for thirty days next preceding such election, and otherwise qualified electors under the State law to vote in State and county elections, are qualified voters, and shall be allowed to vote. No person not eligible as a voter shall be deemed eligible to hold an office in such town council. The sitting board of councilmen are to declare what persons are elected at such election, and are to be the judges before whom all matters of contest growing out of the same are triable. At all biennial elections hereafter to be held for the election of an intendant and five councilmen for said town, all voters who are qualified electors under the general laws of this State and in said county, who have

Election

resided in said town for thirty days next preceding the election, at which they propose to vote, shall be entitled to vote in said election: Provided, however, That in all cases of vacancies, in the office of intendant, councilmen or marshal, or any vacancy in other office, the board of intendant and councilmen or the council, if there be no intendant acting at the time, shall elect any and all officers to fill such vacancies, or vacancy, and such officer or officers so elected shall hold office until a successor or successors are elected and qualified under the other provisions of this act.

Oath

Sec. 5. That before entering upon their duties as such, the mayor and councilmen shall take an oath to support and obey the Constitution and laws of the United States, and to support and obey the Constitution and laws of the State of Alabama, and of the Town of Thomasville, and to discharge their duties respectively as such mayor and councilmen. Said oath to be administered by any officer authorized to administer oaths. A majority of the board of councilmen shall be required to transact any corporate business, may adopt such rules of procedure as may be necessary for the transaction of business, may fine its members for absence or disorderly behavior. The mayor when present shall preside at all meetings of the board and cast the deciding vote in all cases of a tie in the board. The mayor may call a meeting of the board when the interest of the municipality requires it. The board shall meet at least once a month for the transaction of business.

Duties of
mayor

Sec. 6. That the mayor, or in his absence, any councilman, shall hear and determine all cases of violations of the by-laws or ordinances, of the charter of said Thomasville and punish offenders in such manner as may be prescribed by such by-laws and ordinances, and shall receive such fees or salary as the board may prescribe. The mayor shall have and possess within the limits of Thomasville, all the power and jurisdiction, both civil and criminal, of a justice of the peace, and before acting as justice of the peace must give bond as other jus-

tices of the peace, and shall be subject to all corresponding duties and liabilities of a justice of the peace, bond to be made to probate judge of Clarke county. From any judgment of the mayor rendered in case of violation of any municipal ordinances or by-laws, an appeal will be allowed if taken within five days thereafter, to the next term of the Circuit Court of Clarke county, upon the defendant entering into bond with surety, to be approved by the mayor, payable to said Thomasville, for such sum as the mayor may require, not less than double the fine and cost, and conditioned to prosecute such appeal to effect, and to pay such judgment as the Appellate Court may render in said case. In case the appellant make default the Appellate Court may affirm the judgment of the mayor, and render judgment against the defendant and his sureties on the appeal bond for the amount imposed by the mayor, and cost of the appeal. In case the defendant appears to prosecute his appeal the trial shall be de novo, and if judgment be rendered against the defendant for money, the Court must also render judgment against the sureties on the appeal bond for the amount of said judgment and cost of appeal, and in addition thereto if the judgment be for imprisonment or hard labor, the defendant shall be remanded to the municipal authorities of Thomasville for punishment. When the judgment of the Court shall be only imprisonment or hard labor, then the Court shall render judgment against the defendant and sureties upon the appeal bond for cost of the appeal, and for cost imposed by the mayor. The mayor or councilman acting as mayor, shall have power when so authorized by ordinance, upon the trial of offenders, to impose fines, imprisonment, or hard labor on the streets. In all cases when a person is accused of a violation of any ordinance, he or she may give bail, with surety, for his or her appearance before the mayor for trial, and if he makes default, the mayor may declare his bond forfeited, and enter judgment, after notice to his sureties, against the defendant, and his or her sureties, for the amount

Duties of
mayor

Appeal

of the bond, or in such sum as the circumstances of the case may authorize: Provided, That two returns of "not found" by the proper officer, shall be equivalent to personal service.

Powers

Sec. 7. That the mayor and councilmen of Thomasville shall have full power to adopt and enact all by-laws and ordinances for the well being of the inhabitants of Thomasville authorized by this act, and not in conflict with the Constitution and laws of the State of Alabama, and to affix appropriate penalties thereto by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the town, not exceeding thirty days. And all persons convicted of any breach of the by-laws or ordinances of said Thomasville failing to pay such fine, may be imprisoned or placed at hard labor until such fine and cost are paid, for a term not exceeding thirty days. To pass all ordinances, to prevent or abate nuisances on their premises or elsewhere. To pass all laws necessary to prevent the introduction of contagious diseases in the town. To preserve health, and to establish and regulate quarantine and pesthouses. To maintain hospitals, and to provide for and keep a cemetery. To license, tax and regulate theatricals and other amusements, circuses, menageries, shows and exhibits, for the sake of gain, all trades, business, occupations and professions. To restrain all public gaming houses, houses of ill fame, and to prevent and punish all violations of the criminal laws of the State of Alabama. To appoint a marshal, and as many police as may be necessary for the good government of the municipality. To establish and regulate markets and market places and to enact laws for the sale of meats, vegetables, and fruits within the corporate limits. To sink and regulate public wells, to establish, authorize and regulate water works, fire plugs and hydrants, to make all needful provisions for a supply of water, gas, gas lights, and for lighting the streets. To establish fire limits, to make all necessary arrangements and provisions for the protection of property against fire, by suitable fire apparatus. To establish, open,

control, regulate, repair, grade, pave and close streets and alleys; to establish, curb, grade and regulate sidewalks; and to construct sewers. To prevent the running at large of animals in the streets, and to authorize the impounding of the same, and the disposing of the same if not called for by the owner thereof in the time that may be prescribed by ordinance passed by the board of mayor and councilmen to that effect, and to prescribe the conditions upon which the same may run at large. To enact all ordinances regulating the sale of wares and merchandise on the streets. To require property owners to keep sidewalks in front of their property in good repair. To have and exercise full police power in the corporate limits; to prevent crime. To protect the rights of persons and property, and to preserve the public peace. To this end the marshal and policemen are clothed with the authority of constables under the laws of the State of Alabama. To require all the male inhabitants over the age of eighteen and under forty-five years, residing within the corporate limits to work not more than ten days in each year upon the public streets, or in lieu thereof to pay a sum to be fixed by the mayor and councilmen, not exceeding five dollars per annum, and to this end enact suitable ordinances, to enforce the duties when required. The inhabitants of said Thomasville are relieved from working the public roads of the county. To license hacks and drays, regulate the running of the same, and to protect them in the collection of their lawful charges.

Sec. 8. That the mayor and councilmen are authorized to create all such, and to appoint all such officers as may be necessary to carry into effect the powers conferred by this act. To prescribe their duties, to fix their compensation and the terms of service, to regulate and control them in the discharge of their duties, and to remove or discharge such officers or agents.

Sec. 9. That the mayor and councilmen have full authority to purchase and provide for the payment of the same, all personal and real estate deemed

necessary from time to time for the public use and convenience, and to construct suitable public buildings for council chambers, prison houses and market houses.

Taxes

Sec. 10. That the mayor and councilmen of said Thomasville to provide public revenues, are authorized to levy taxes on personal and real property, not to exceed one-half of one percentum of the value of such property as assessed for State and county taxes for the preceding year, capital employed in business in said municipality, gross amounts of commissions, or sums received during the preceding year by any factor, commission merchant, or buyer; on the gross receipts of each trade or occupation conducted within or derived from a business carried on in, or partly within said municipality, and on all salaries, whether from public or private employment, after deducting the expense of carrying on such trades, occupation or employment: Provided, That when capital is invested in goods, wares or merchandise, a tax shall not be levied upon capital, and at the same time, upon the property in which the same is invested, and that it shall not be lawful to impose a double tax upon any subject of taxation. The mayor and councilmen are authorized to establish regulations to insure correct returns of to the proper officer or officers, or agents of all subjects of taxation, and for the listing of the same by the taxpayer for taxation, and if the taxpayer fails to list his property for taxation, to provide that his property may be assessed by the officer appointed to assess property within the corporate limits, and to make all needful regulations to equalize the valuation of property, assessed for taxation, and to provide that the same be assessed at its proper valuation according to law.

Collections

Sec. 11. That the mayor and councilmen are empowered to make all needful regulations and to enact by-laws and ordinances necessary to enforce the prompt collection of the taxes assessed, and to that end may elect a tax collector, who shall qualify by taking an oath, to faithfully perform his duties

as such, and shall give bond in such sum as may be required for the faithful discharge of his trust. One person may be appointed to perform the duties of assessor, collector and clerk of the municipality.

Sec. 12. That when the book of assessment shall be completed and returned to the mayor and councilmen, and they have levied a tax on the property so listed and assessed, the mayor shall issue his warrant annexed to the tax list or book of assessment, to the collector of the corporation tax, which list shall contain the names of the taxpayers, description of the real estate, its valuation and the taxes assessed thereon, and such tax list, with the warrant annexed, shall have the force and effect of an execution, and shall be a preferred lien on all the property within the corporate limits of every person assessed within the same over all incumbrance, except the State and county taxes from the date of assessment.

Sec. 13. That all taxes levied and assessed within the corporate limits of Thomasville shall have the force and effect of a judgment at law, and in addition to the remedy hereinafter given, the corporation of Thomasville may bring suit in any court of law or equity against the person or persons assessed, jointly or severally, and recover such sum as may be found to be due for taxes and charges. Judgment

Sec. 14. That after giving notice by advertisement, by posting, or in a newspaper published in Clarke county, for twenty days, that the corporation taxes are required to be paid to him on or before a certain day, it shall be the duty of the collector of the same, by a levy upon and sale of the personal property of the delinquent taxpayer at public auction, first giving five days notice of the time and place of sale. A collection fee of fifty cents and all costs of sale shall be charged to and collected from all delinquent taxpayers. If after taxes have been assessed, the tax collector shall become satisfied that the taxes due from any person are in danger of being lost by delay, he is authorized and required, without delay, to seize, Levy and sale

levy upon and sell any personal property liable for the payment of taxes.

Sales

Sec. 15. That the failure of the collector to seize and sell personal property for the payment of taxes in default shall not be a defense or ground of objection to the sale of real estate for taxes in default or arrears. The mayor and councilmen are authorized by ordinance to adopt the procedure for the sale of real estate for the collection of taxes as set forth in Chapter 110, Article 9, Volume 1. of Code of 1896, and jurisdiction to that end is hereby conferred on the probate judge of Clarke county, Alabama, to hear and determine and enter decrees of sale for the amount of taxes due, with the cost and charges thereupon. The purchaser of land at such sale shall receive a certificate of purchase as provided in Section 4063, Code of Alabama, 1896, therefor, executed by the tax collector of the corporation of Thomasville. By virtue of the certificate of purchase so executed, the purchaser may sue at law, and recover possession of the real estate thereby conveyed, with the rents thereof from the date of the execution of the certificate of purchase. In all suits brought under this act, for the possession of real estate, the decree or certified copy of the same of the probate judge ordering the land to be sold, and the certificate of purchase therefor executed by the said tax collector shall be prima facie evidence of the right of the purchaser or those claiming under him to recover the real estate sold. If the land is in the possession of a tenant, notice to him by the purchaser or his vendee of the purchase, after the lapse of ten days from the time of the sale, that he is the purchaser and that the land has not been redeemed, vests the right to possession in him in the same manner as if the tenant had attorned to him.

Right to
redeem

Sec. 16. That any real estate sold pursuant to the provisions of this act may be redeemed within two years from the date of the execution of the certificate of purchase by the owner, or any person interested in the same, paying or tendering to the purchaser, or his vendee, the amount of the purchase

money with interest at the rate of fifteen per cent. per annum, all taxes, State, county and municipal, paid by the purchaser, the value of all necessary improvements erected thereon to keep the property in good repair, such value to be ascertained as now provided by the laws of the State of Alabama, and all lawful charges thereon. When property is not restored to the taxpayer upon his complying with the foregoing provisions he may recover possession of the same by an action of unlawful detainer or an action of ejectment. The municipality of Thomasville is authorized to purchase property sold at tax sale, receiving therefor the certificate of purchase of the tax collector, and is entitled to the same remedies as other purchaser for the recovery of the same.

Sec. 17. That from every person, firm or corporation conducting or carrying on any business, trade, occupation or profession within the corporate limits of Thomasville, the mayor and councilmen are authorized to collect a license tax, the amount thereof to be, as far as may be, regulated by the volume of the business or trade, and the value of the occupation or profession, and to enforce the collection of such license tax by penalties fixed by ordinance. Licenses

Sec. 18. That after the passage of this act it shall be unlawful for any person to sell, give away, deliver or otherwise dispose of vinous, spirituous or malt liquors, or any intoxicating bitters or cider within the corporate limits of Thomasville: Provided, that this act shall not be construed to prevent practicing physicians or licensed druggists from using the same in compounding medicines, nor families using the same for household purposes. Prohibition

Sec. 19. That any person guilty of the violation of the preceding section, on conviction thereof, shall be fined in any sum not less than fifty dollars, and may be put to hard labor not more than thirty days. Penalty

Sec. 20. That the present charter of Thomasville is hereby repealed: Provided, that the present

- Effect of this act municipal government is continued in force until the officers elected under Section 3 of this act have qualified as required; and provided, further, that all laws and ordinances now in force shall continue in force until repealed or modified by the mayor and councilmen of Thomasville, and that no prosecution, suit or claim now pending shall be affected in any manner whatever by the adoption of this act.
- Construction Sec. 21. That all the provisions of this act shall be liberally construed to enable the mayor and councilmen of Thomasville to carry into effect all the powers conferred thereby.
- Fees Sec. 22. That for any service rendered by the probate judge and sheriff of Clarke county, they shall receive fees and compensation as paid by the State of Alabama and Clarke county for similar service, to be paid by Thomasville.
- Bonds Sec. 23. That the board of mayor and councilmen shall have power to issue bonds of the town to an amount not exceeding twenty thousand dollars, in sums of one hundred dollars, and payable at such time and place as said board may designate, not exceeding twenty years from the date thereof, with coupons attached, bearing interest at the rate of not exceeding six per centum per annum, payable to bearer, and receivable in payment of all taxes levied by the town. Said bonds shall not be valid till signed by the mayor of the town and countersigned by the treasurer thereof, and the treasurer shall keep a correct account of such bonds issued and disposed of, and they shall be exempt from municipal taxes in said town. Said bonds shall be sold at not less than ninety cents on the dollar.
- Use of proceeds Sec. 24. That the proceeds from the sale of said bonds shall be used for improving the streets and avenues, for sanitary drainage, for supplying the town with water and lights, and for any other permanent improvement that the mayor and councilmen may deem necessary for the benefit of the town, or other permanent improvements of a general nature.
- Sec. 25. That the board of mayor and councilmen shall have power to do all things necessary to carry

out the powers granted, to issue and dispose of bonds, and may herein act through themselves or through agent or agents duly appointed by them for that purpose at any regular or special meeting of the board, and no technical informality, irregularity, neglect or omission in the proceedings or records of said board shall in anywise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Power of
mayor and
councilmen

Sec. 26. That to pay the interest on said coupons and the principal at maturity, the board of mayor and councilmen shall levy a sufficient tax on the property, licenses and businesses subject to tax under the provision of this charter or the revenue laws of the State of Alabama, situated or located in said town.

Taxes

Sec. 27. That a failure to pay the interest due on any of said coupons shall, while such failure continues, make it unlawful to issue or dispose of any other bonds herein provided for.

Unlawful

Sec. 28. That the board of mayor and councilmen for the purpose of curbing, paving or otherwise improving the sidewalks in the town to a width not over ten feet, may assess the cost of such improvement against the owner of abutting property or lots in proportion to the frontage of such property or lots, and the amount assessed to each owner shall be a lien on the lot or property affected, having the same remedies for its enforcement as any ordinary real estate tax levied by the town.

Cost of
paving

Approved February 16th, 1899.

No. 507)

AN ACT

(S.427

To incorporate the Baldwin Immigration Company.

Section 1. Be it enacted by the General Assembly of Alabama, That William F. Cochran, Hampton D. Ewing, Thomas J. Scott, F. M. Billing, James D. Hand and George F. Moore, their associates,

Incorporators

successors and assigns be, and they are hereby made and constituted a body politic and corporate under and by the name of the "Baldwin Immigration Company," and by that name, or by such other name as the stockholders, after their organization, may adopt, shall have perpetual succession as a body corporate, and are hereby authorized and empowered to sue and be sued, plead and be impleaded, to make and have a common seal, and the same to break, alter or renew at pleasure; to make rules, regulations and by-laws for the management and direction of said corporation, and generally to have, use, exercise and enjoy all the rights, powers and privileges pertaining to corporate body under the general laws of this State, which may be necessary or proper to carry out the purposes of this act, and such other powers as are hereinafter conferred upon said corporation.

Kind of business

Sec. 2. Be it further enacted, That said corporation shall have power and authority to conduct, carry on, and maintain the business of inducing immigration to, and settlements in, this State, and to establish, own, construct, maintain and operate, or aid in establishing, constructing, maintaining or operating all such industrial, manufacturing or agricultural enterprises as may be deemed by it proper for said purpose of inducing immigration to, or settlements in, this State, for the bringing of colonies thereto; to encourage immigrants to settle in this State, particularly in the County of Baldwin; to improve any lands owned or held by said company by clearing and cultivating them, by building houses, fences, roads, and drainage canals; to carry on merchandising business for the comfort and convenience of settlers; to raise, buy and sell fruit, and farm products, trees and flowers; to establish and operate such manufacturing industries as in the judgment of the directors may be necessary to give employment to, and promote the welfare and prosperity of immigrants or settlers who may buy, rent or settle upon or near the lands of said company.

Sec. 3. Be it further enacted, That the capital stock of said corporation is hereby fixed at one

hundred thousand dollars (\$100,000), which shall be divided into one thousand shares of the par value of one hundred dollars (\$100) each. The said capital stock may be increased from time to time to an amount not exceeding one million of dollars: Provided, that each such increase of said capital stock shall be authorized by a vote of a majority of the stockholders at a meeting called for that especial purpose, of which meeting each stockholder shall have thirty days notice personally or by mail. But such increase shall not be made until there has been paid to the state treasurer the amount which is required to incorporate a company whose stock is equal to the amount of such increase in the stock of this company. The subscribers to the capital stock of said company may pay and discharge the amount of their several subscriptions in money, land, material, labor, services or personal property, in such a way, and in such installments, as the by-laws of said company may require, but said land, labor or property shall only be accepted in discharge of such subscriptions at their actual or real value.

Capital stock

Sec. 4. Be it further enacted, That the principal place of business of said corporation shall be located in Baldwin county in this State, but said company may establish and maintain branch offices, and appoint agents, at such other places in this State, or in other States, Territories or countries as may be deemed proper to fully carry out the purposes of this act, or for the successful prosecution of the business of the company.

Places of
business

Sec. 5. Be it further enacted, That said corporation shall have power to acquire, purchase, buy and hold all such real and personal property, or any interest therein as the nature of its business may require, and to sell, rent, lease, convey, mortgage or otherwise dispose of and deal in real estate, and personal property; to sub-divide, or to lay out into lots, plots or farms any lands held by it; to lay out town lots, to open such roads, streets, avenues, alleys, parks and public grounds as may be author-

Powers

ized by its board of directors on any lands owned or held by it.

Railways

Sec. 6. Be it further enacted, That said corporation shall have the power to construct, equip, maintain and operate steam or electric railways, telephone and telegraph lines, electric light and water works, and for the purpose of constructing, maintaining and operating them, the said corporation shall have power to condemn lands for the right of way for road beds, not exceeding one hundred feet wide; for water supplies, either surface or subterranean, not exceeding ten acres in any one tract, and for pipe or wire lines right of way, not exceeding twenty feet wide. Such condemnations which are hereby authorized shall, as to the proceedings therein, be governed by the general laws of this State regulating ad quod damnum proceedings.

Powers

Sec. 7. Be it further enacted, That said corporation shall have power to lend its money upon real or personal security, to take and hold notes, bills, bonds, mortgages, stocks or other securities in pledge or otherwise to secure the payment thereof, and is authorized to discount bills, notes or other evidences of debt; to receive and pay out deposits, with or without interest, as may be agreed on, and issue therefor receipts or certificates, stating the terms of said deposits. Said corporation shall have power to make and negotiate loans of money on real or personal property, or any interest therein, to act as agent or broker for corporations or persons in and about negotiating, placing and obtaining loans of money, or in buying, selling, or renting or leasing real estate or personal property; and it may act therein for the vendor or vendee, lessor or lessee, borrower or lender, and may charge, take and receive reasonable compensation for any such services. Said corporation shall also have the power to act as agent for non-residents in assessing and paying taxes on lands for them, or in buying, selling, renting, leasing, managing, improving or cultivating lands or real property, or in buying, selling or managing personal property, and may charge

and take reasonable compensation for such services.

Sec. 8. Be it further enacted, That said corporation shall have power to borrow money and mortgage or otherwise convey or pledge its property, real or personal, and its franchises, to secure the payment of money so borrowed, or any other debt contracted by it, but such mortgage, conveyance or pledge shall not be made otherwise than by the consent of the holders of the larger part in value of the capital stock expressed by a vote at a meeting of the stockholders, called for that purpose, of the time and place of which meeting and of the purpose for which it is called, thirty days notice is given each stockholder personally or by mail. Said corporation is authorized to acquire and hold by purchase or gift or in payment of subscriptions for stock, lands or any interest therein; to invest its money, property or assets in enterprises which its board of directors may deem calculated to advance its interests; to loan money or property to individuals or corporations buying, leasing or making improvements on or near its lands, and to receive certificates of stocks, notes, bonds, mortgages or other securities for such investments or loans.

May borrow
money

Sec. 9. Be it further enacted, That the government of said corporation shall be vested in a board of directors, consisting of not less than three nor more than nine members, as may be provided in the by-laws of the company, a majority of whom shall constitute a quorum, and such directors shall be elected annually by the stockholders from among their number, and shall hold office until their successors are elected and qualified: Provided, that the persons named in the first section of this act, who shall become stockholders in such company, shall constitute the board of directors for the first term of one year after the organization of said corporation, as hereinafter provided. The board of directors shall elect from among the stockholders a president and such other officers of the company as may be necessary, and may appoint otherwise such other officers, agents or employees as they may

Quorum

Directors

deem necessary for the business of the corporation. The board of directors may fill any vacancy occurring in the board which shall occur by death, resignation or the sale of all of his stock in the company by any stockholder. They shall adopt by-laws for the government of the company and fix the manner of transferring stock on the books of the company. The corporation shall have a lien on the stock of any shareholder for any debt due to it, and the board of directors shall prescribe in the by-laws of the company the manner of enforcing the said lien, and in the event of the sale of any stock on which the corporation has such a lien, the corporation is hereby authorized to purchase said stock at such sale.

When to
begin
Sec. 10. Be it further enacted, That whenever forty thousand dollars has been subscribed to the capital stock of said corporation and said subscriptions have been paid in full in money or in real or personal property or labor, at the real value of such labor or property by the payment in money to the said board of directors as constituted by this act, or by the execution and recording in the proper offices, deeds or conveyances of land or other property or the execution of contracts for labor or services to said corporation it shall be, and is hereby authorized to begin and carry on its said business, and said board of directors may immediately after such payment or the execution of said conveyances, elect its president and other officers, and appoint its agents and employees. Said corporation shall not issue any stock until the same shall have been fully paid up in cash or property as specified in the subscription contracts.

Contracts
Sec. 11. Be it further enacted, That said corporation has power and authority to enter into all such contracts and agreements, and may do and perform all such things as may be necessary and proper to carry out the several purposes as set forth and declared in this act, as fully and completely as a natural person might do.

When act
takes effect
Sec. 12. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 16th, 1899.

No. 508)

AN ACT

(S. 423

To prevent stock from running at large in certain portions of Walker county.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the first of January, 1900, it shall be unlawful for any stock to go at large on the land or crop of another in certain portions of Walker county, particularly described as follows, viz: All of township fifteen (15) south of range nine (9) west, and all that portion of township fifteen (15) south of range eight (8) west, lying south and west of Lass creek, making said Lass creek the line on the north and east as far as said creek runs in said township and range, and also the north half of township sixteen (16) south of range eight (8) west, being sections one (1) to eighteen (18), both inclusive, and section 24 in said township 16, range 8; and for each wilfull violation of this act by any person or owner of such stock, said person or owner shall be guilty of a misdemeanor, and upon conviction of such offense shall be fined not less than five nor more than fifty dollars; and the term stock where it occurs in this act shall be held to include horses, mares, mules, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs.

Sec. 2. Be it further enacted, That for any damage done by stock running at large in said above-described portion of Walker county, the owner thereof shall be liable to the injured party in twice the amount of the damages done, to be recovered by suit before any Court having jurisdiction, and any such judgment recovered shall be a lien on the stock so committing the damages; and the Court entering the judgment shall enter therein an order that the officer executing the writ of execution on said judgment shall seize and sell the said stock for the satisfaction of the judgment.

Sec. 3. Be it further enacted, That the prosecutions and civil actions provided for in this act may

Trials

be tried before any justice of the peace or notary public with justice jurisdiction in the beat where the offense or damage occurs, and the amount of damages does not exceed fifty dollars. If the justice of the peace or notary public is incompetent, or there is a vacancy in such office, then such trials shall be in an adjoining beat in said county where no objection exists; for such trials and prosecutions said Court shall always be open, but three days notice shall be given to the opposite party.

Right to take
up

Sec. 4. Be it further enacted, That any owner of land within the limits described in section 1 of this act, his agent or employee, who may find stock running at large upon his land, shall have the right to take up and arrest said stock, and to confine the same so as to prevent their doing further damage, for which he shall receive of the owner the sum of fifty cents per head. The owner of said stock so arrested and impounded, if known, shall be promptly notified in writing of the impounding or arrest of said stock, after which notice, said owner, his agent or employee making such arrest shall be entitled to reasonable compensation for the feeding, watering and care of said stock so impounded, to be agreed upon between the parties or on proof of the justice of the peace or other Court on trial of the cause, which may be had along with the trial for damages done by said stock, as provided in section 2 of this act.

Owner
unknown

Sec. 5. Be it further enacted, That when any stock is found trespassing upon the lands of any person in violation of this act, and said owner thereof is unknown, then the justice of the peace or other Court to whom complaint is made, shall cause a notice to be posted in three public places in the neighborhood of the land upon which said stock was found trespassing, describing as fully as he can said stock, and giving notice of the day upon which said trial will be held, and then proceed in all respects as provided in this act, where the owner of the stock is known. Should the stock sell for more than enough to pay the damages assessed against said stock, or the owner thereof, by reason of the

trespass, the impounding fees and court costs, the surplus, if any, must be paid to the owner of said stock if he shall be found, and if the owner still be unknown, the surplus must be paid into the county treasury, and paid by the treasurer to said owner whenever he makes satisfactory proof that the stock were his property, and that he is entitled to the surplus proceeds of the sale thereof.

Sec. 6. Be it further enacted, That any person who causes any stock to break away from their herds, guard or tether, or who takes or drives his stock or the stock of another upon the lands of another, within the said lands described in section 1 of this act, shall be guilty of a misdemeanor, and must, on conviction, be fined not less than \$25.00 nor more than \$50.00, and one-half of such fine shall go to the informer. Penalty

Sec. 7. Be it further enacted, That this bill shall not take effect until after the first day of January, 1900. When act takes effect

Sec. 8. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed, so far as the same relates to said portion of Walker county, described in section 1 of this act. Repeal

Approved February 17th, 1899.

No. 509)

AN ACT

(S. 438

To require the Commissioner's Court of Madison county, Alabama, to publish semi-annual statement of receipts and expenditures.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the Court of County Commissioners of Madison county, this State, to publish in some newspaper in the county, semi-annually, on the first days of January and July of each year, a statement of the financial condition of the county, giving a summary of all receipts and disbursements, and showing in detail Semi-annual statement

the compensation received by each commissioner for his services under the law.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 17th, 1899.

No. 510)

AN ACT

(S. 232

To constitute the town of North Port and certain contiguous territory a separate school district, and to provide for the maintenance and management of the public schools in said school district.

School district

Section 1. Be it enacted by the General Assembly of Alabama, That the corporate limits of the town of North Port, and that portion of Tuscaloosa county contiguous to said town of North Port, which is situated in township twenty-one (21) south of range ten (10) west, north of the Warrior river and east of Jemison's mill creek, shall constitute a school district separate and apart from the other school districts in the County of Tuscaloosa, and the inhabitants of said school district are hereby incorporated by and under the corporate name of "The School District of the Town of North Port."

Board of
education

Sec. 2. Be it further enacted, That the management of the public schools of said school district shall be under the charge of a board of education, to consist of the intendant of the town of North Port, who shall be ex-officio president of said board, and four other persons, residents of said school district, to be elected by the intendant and councilmen of the town of North Port, at a regular meeting, after the passage of this act, to be fixed by them by ordinance adopted at a regular meeting of said intendant and councilmen; the two first elected shall hold their said office for the term of one year, and the two last elected shall hold their office for the term of two years, and at each annual meeting,

fixed by them for such purpose, as above provided, they shall elect two suitable persons to succeed those whose term of office shall have expired, so that two members of said board shall be elected annually; and the president of said board shall make reports and furnish statistics to the State superintendent of education as he may by law be required to do.

Sec. 3. Be it further enacted, That said board of education be, and is hereby authorized and empowered to receive, hold, transmit and convey title to real and personal property, and to do and perform such other acts as may be deemed advisable for the purpose of establishing and maintaining in said school district a school or schools or a system of graded schools. Powers

Sec. 4. Be it further enacted, That each member of said board of education shall, upon entering on the duties of his office, subscribe an oath to faithfully discharge all the duties enjoined upon him by law as such officer; such oath may be administered by the intendant of the town of North Port. Said board of education shall elect a superintendent and teachers of the public schools of said district, and make such contracts with them as they shall deem advisable and prudent, but no superintendent or teacher shall be employed for a longer period than one year, without re-election to such position. Oath

Sec. 5. Be it further enacted, That said board of education may open a sufficient number of schools to meet the wants of the population of said school district, and such board may elect such officers as are in their opinion necessary to the good management and government of such schools, and when required such officers shall, before entering upon the duties of their respective offices, take the oath of office prescribed by law for all officers in this State, and give bond in such sum as shall be prescribed by said board of education, and conditioned as all other official bonds; such bond shall be approved by the president of said board of education, and filed with other official bonds of the town of North Port, and a certified bond of the officer design- Schools

nated to receive the funds of said district shall be filed in the office of the State superintendent of education; and shall fix the compensation of the superintendent and all teachers, and prescribe their duties; shall control the distribution of pupils, teachers and funds among the several schools; dictate the course of instruction, the number and character of text-books, the organization of classes, and prescribe rules and regulations for the government of said schools. Such board shall have and exercise such other and additional powers as may be necessary for the good management of the said schools, and shall have power to remove any of the officers or teachers thereof for cause, to be determined by said board; and may issue certificates of proficiency to all persons who satisfactorily complete the course of study prescribed for the public schools of said district: Provided, said certificates shall not entitle the holders to teach in the public schools of the State without examination.

Pupils

Sec. 6. Be it further enacted, That the children and wards of all persons actually resident within the limits of said school district, from seven to nineteen years of age, shall be entitled to seats in the public schools of said district: Provided, Such children shall, themselves, be bona fide residents of said district; and non-resident children may be admitted into said schools on such terms and conditions as said board of education may prescribe; but separate schools shall be provided for white and colored children. Said board of education shall have power to charge in the several grades in said schools such incidental and other fees as they may deem necessary for the proper conduct of said schools. Said board of education shall also have authority to create a board for the examination of applicants for the position of teachers in the public schools of said district; and may, in its discretion, institute annual competitive examinations before such persons as the board may select for all applicants for positions as teachers in said schools.

Sec. 7. Be it further enacted, That said board of education, when so required, shall make full reports

to the intendant and councilmen of the town of North Port, and perform such other duties as may be prescribed by said intendant and councilmen, not inconsistent with this act or the general laws of this State.

Reports

Sec. 8. Be it further enacted, That the intendant and councilmen of the town of North Port are hereby authorized and empowered to adopt and enforce such ordinance or ordinances as may be deemed advisable for the establishment and maintenance of such school or schools or system of schools; and to erect, equip and maintain such buildings and premises as may be deemed advisable for the same: Provided, That nothing in this act shall be construed to limit or abridge the powers already conferred by law upon such intendant and councilmen.

Ordinances

Sec. 9. Be it further enacted, That the said school district shall receive its proportionate share of the public school fund coming to the County of Tuscaloosa, including a pro rata share of the sixteenth section fund of each township that lies partly within said school district, and shall receive all the taxes collected as poll taxes within said school district, said fund and taxes to be drawn and distributed by such bonded officer as shall be selected for that purpose by the board of education of said school district, in the same manner as county superintendents draw and disburse the school funds of their respective counties; and the amount thus drawn for said school district shall be used exclusively for the maintenance of the public schools in said district; and may receive donations for the purpose of maintaining said schools. The intendant and councilmen of the town of North Port may increase the school fund of said district by appropriating and donating for that purpose annually any funds in the treasury of the town of North Port remaining over and above the current expenses of the government of said town.

School fund

Sec. 10. Be it further enacted, That all funds devoted to public school purposes in said school district otherwise than as they are provided to be

School funds

drawn and disbursed in Section 9 of this act, whether derived from the State, county or said town, or by donation, shall be paid into the treasury of said town of North Port, where they shall be kept and accounted for, separate and distinct from all other funds belonging to said town, and shall be disbursed in such manner as the board of education shall direct.

When act
goes into
effect

Repeal

Sec. 11. Be it further enacted, That this act shall go into effect immediately upon its passage and approval, and that all laws and parts of laws in conflict with the provisions thereof be, and are, hereby repealed.

Approved February 17th, 1899.

No. 511)

AN ACT

(S. 450

To incorporate the Birmingham Southern Railroad Company.

Incorporators

Name

Rights

Section 1. Be it enacted by the General Assembly of Alabama, That Nathaniel Baxter, Jr., A. M. Shook, James Bowron, G. B. McCormack and Walker Percy, and their associates and successors, be, and they are, hereby constituted a body corporate under the name of the "Birmingham Southern Railroad Company," and by that name and by such other as the stockholders may, after their organization, adopt, are hereby authorized to sue and be sued; to make a common seal, and the same to break, alter and renew at pleasure; to have and to hold such real and personal property as is or may be necessary for the present and future business of said company; to make rules and by-laws for the regulation and government of said company, not contrary to the laws of this State or the United States, and generally to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary to carry out the objects and purposes of the said company.

Sec. 2. Be it further enacted, That the capital stock of the said company shall be one million two hundred thousand dollars, of which sum six hundred thousand dollars shall be common stock of said company, and six hundred thousand dollars shall be preferred stock of said company. Both common and preferred stock shall be divided into shares of the par value of one hundred dollars each. The capital stock of said company may be increased by a vote of the stockholders, as now provided by law for the increase of capital stock of corporations organized under special charters. The preferred stock of said company shall have a preference in the distribution of earnings and dividends as follows: Four (4) per cent. per annum is to be paid on the preferred stock before any dividends are paid on the common stock; dividends are then to be paid on the common stock up to four (4) per cent. per annum; all the stockholders of the company are equally entitled to dividends, if any, paid in excess of four per cent. per annum on the preferred and common stock.

Sec. 3. Be it further enacted, That the corporators herein named, or a majority of them, may open books of subscription to the capital stock of said company, both common and preferred, in the City of Birmingham, and at such other places as they may deem advisable, after giving such notice as they deem necessary. Subscriptions to the capital stock of said company shall be payable in money; but subscriptions may be received payable in money, the subscriber having the privilege of discharging the same by the rendition of stipulated necessary services, or the performance of stipulated necessary labor for the corporation, at the reasonable value thereof; or in property which the corporation has capacity to hold at the reasonable value thereof; the subscription stating the nature and character of such services and labor or property.

Sec. 4. Be it further enacted, That whenever so much as ten per cent. of the said capital stock has been subscribed by subscribers of whose solvency the corporators are satisfied, the corporators may

call the subscribers together for the purpose of organization, and as much as two per cent. of said subscriptions having been paid, the subscribers, or a majority in value thereof, being present in person or by proxy, may organize the said corporation by the election of a board of not less than five nor more than thirteen directors, as they may determine by resolution, to serve for the ensuing twelve months, and by the election of such other officers as they may deem necessary to the proper organization and management of said company.

Powers

Sec. 5. Be it further enacted, That said corporation shall have the power to survey, locate, construct and operate lines of railroad, with one or more tracks of rails, first, a line of railroad from the City of Birmingham, in the County of Jefferson, in the State of Alabama, in a southerly direction to the town of Blocton, in the County of Bibb, in the State of Alabama, by way of the town of Bessemer, in Jefferson county, and the town of Woodstock, in Bibb county, Alabama, with such branch lines as may appear desirable to said company; second, a line of railroad from the City of Birmingham, in the County of Jefferson, in the State of Alabama, in a westerly direction, by way of the towns of Thomas, Pratt City, and Ensley, in said county, to the town of Wylam, in said county, with branches from said main line to Coalburg, Blossburg and such other points as may appear desirable to said company; third, a line of railroad from Birmingham, in said county and State, in a southerly direction, to the town of Oxmoor, in said county and State, with such branch lines from this main line as may appear desirable to said company; fourth, a line of railroad from Bessemer, in said county and State, running in a general direction along Red Mountain, in said county and State, to the various ore mines now being operated, or which may hereafter be operated, on said Red Mountain, with such branch lines as may appear desirable to said company; and that said company is hereby further authorized and empowered to survey, locate and construct, alter, maintain and operate additional

lines of railroad with one or more lines of tracks of rails, or extensions of the lines of railroad hereinafore specified, with the further right to survey, locate and construct, alter, maintain and operate branches in any direction, from any part or parts of said lines of railroad now or hereafter to be constructed, on or along such route or routes as may be deemed best by the said company, or found accessible, from the said City of Birmingham or other terminus, extending the same through the County of Jefferson, and the counties adjacent thereto, or into any other county in the State of Alabama, for the purpose of developing the mineral property along said lines of railroad or branches, and for transporting the products thereof to market or to seaboard, and for such other purposes as may appear advantageous to said company; and on such railroad and branches, said company is authorized to take and carry, for hire, persons and property, using such motive power, or such combination of different motive powers, as it may deem best: Provided, That said company shall not be required to build any greater portion of such lines of road as above authorized than it may, from time to time, find to its interest to do.

Sec. 6. Be it further enacted, That the said company is hereby further authorized and empowered to construct its line of road and branches therefrom to any point or points on any stream or on any of the navigable waters of this State, and to such landings or depots as such company may choose to establish along or at the terminus of any such line or lines of railroad; and to engage in the carriage of persons and property as a common carrier, and to charge rates of freight or tolls therefor over the said line or lines of railroad, and to contract for the use of and to lease and to acquire by purchase any line or lines of railroad that are now or may hereafter be constructed in this State, and to connect the same with its other line or lines of railroad, or to operate them separately, as it may see fit; and to purchase, own, charter or hire tugs, barges and steamboats and every kind of water

craft, as well as own, use, lease and occupy all such wharves and landing as it may deem necessary and proper in the transportation of the product of the mines, farms and industries along said line or lines of railroad on any of the navigable waters of the said State, and to use the same for the transportation of the persons and property for the public, charging therefor reasonable rates of toll or freight or in performing any business it has the right to do under the law.

Rights

Sec. 7. Be it further enacted, That said company shall have the right to build its line or lines of railroad over the streets, avenues and public grounds of any incorporated city or town in the State of Alabama: Provided, That said corporation shall, before constructing its road over any street or avenue in any incorporated city or town, first obtain the consent of the corporate authorities thereof. That for the purpose of constructing said railroad and branches, not on the streets, avenues or public grounds in any incorporated city or town, the said company is authorized and empowered to cause to be made such examination and surveys of its proposed line or lines of railroad and branches as may be necessary to the selection of the most advantageous or desirable route, and, for such purpose, by its officers, agents, or servants, may enter upon the lands or waters of any person, and may acquire and hold by gift, purchase or in payment of subscription for stock, or by condemnation in the mode prescribed by law, such lands as may be necessary for a right of way, not exceeding one hundred feet in width, throughout the entire length of the road and branches, with the right to cut down and remove all such trees and undergrowth outside thereof as might, by falling upon or shading the roadway, injure the same; and may acquire and hold, in the manner aforesaid, such other lands or any interest therein, as may be necessary for making heavy embankments, or for the protection and safety of the roadway or for the purpose of making excavations, and wasting the material thereof, or borrowing material to make embankments, or for

building depots, side-tracks, machine shops, car factories, and other buildings incident to railroad business: Provided, That just compensation to the owner shall be first paid in all cases where the right of way is acquired by condemnation, as required by the constitution.

Sec. 8. Be it further enacted, That said company may, in lieu of constructing any portion of its lines or branches, purchase or lease for a term of years, not exceeding one hundred years, the roadbed of any other railroad, or any portion of such other railroad, whose line may be located in whole or in part along the line of its proposed railroad or railroads or branch lines; or said company may, for the purpose of making through lines, make common stock or traffic arrangements or contract for a joint use of tracks, or any other lawful contract whereby it may sell buy or lease, as aforesaid, to or from such other company, any or all of its railroad or branches, and franchises thereof; and said company may have and enjoy all of the franchises of any railroad or part of railroad so purchased and leased by it, in addition to the franchises herein conferred.

Purchase or
lease

Sec. 9. Be it further enacted, That the said company may construct and operate a télégraph line or lines in, along and upon any and all portions of its right of way of its main line and branches, both for its own use and for doing a public telegraph business; but said company shall not be compelled to do a telegraph business on its said line, or at any particular station thereof, unless it so desires.

Telegraph

Sec. 10. Be it further enacted, That said corporation may build, purchase or lease steamships, steamboats or other water vessels or water craft, and may run and operate the same on the navigable waters of this State or the United States, and to and from ports on the Gulf of Mexico and adjacent high seas, for the carriage of persons and freight.

Water craft

Sec. 11. Be it further enacted, That said company may borrow money for the purpose of carrying out the objects of this charter, and may execute notes, bonds and other evidences of debt, and, by a

Borrow
money

vote of a majority of its stockholders, had at a meeting called for the purpose, in such manner as the board of directors may see proper, may secure the payment of notes, bonds or other evidences of debt by a mortgage or deed of trust on its franchises, and any or all of its property, both real and personal.

Crossings

Sec. 12. Be it further enacted, That said company may cross navigable streams and the tracks of other railroads, and cross and change the course of public roads, when necessary in the construction of its road or branches, as is now provided by law.

Meetings

Sec. 13. Be it further enacted, That the stockholders of said company shall meet annually, at such time and place and on such notice as may be prescribed by the by-laws, for the election of directors and other officers, and the transaction of such other business as may be transacted at such meeting.

Place of

Sec. 14. Be it further enacted, That said company may hold stockholders and directors meetings and do all kind of corporate acts at any place or places without this State, by resolution of the stockholders and board of directors; but the original certified copies of the minutes of all such meetings held without this State shall be deposited at its principal office in this State within sixty days after such meeting.

Powers

Sec. 15. Be it further enacted, That said corporation shall have all the powers and authority conferred upon or vested in railroad corporations organized under the general laws of Alabama, and all such powers and authority as may be hereafter conferred upon railroad corporations by subsequent legislation.

Consolidate

Sec. 16. Be it further enacted, That the said corporation may unite and consolidate its railroads and franchises, rights and privileges with the railroad or railroads, franchises, rights and privileges of any other railroad company or companies in this State or any other State, by a two-thirds vote of the stockholders of each of such corporations, and form one general company under such name and

style as may be agreed upon, and to issue and apportion the stock of such consolidated corporation as may be agreed upon by two-thirds of the stockholders of each corporation; and to take up, if deemed proper and best, the individual stock of each company, and to replace it with the stock of the general company in such manner and amounts as may be agreed upon by said two-thirds of the stockholders of each of said companies: Provided, That said amalgamated company shall keep an office in the State of Alabama; and thereupon such general company shall be invested with all the powers and franchises theretofore or at the time belonging to each and all of the several corporations so consolidating and amalgamating; provided, however, that the rights of creditors shall not be affected.

Sec. 17. Be it further enacted, That the said Birmingham Southern Railroad Company may sell, alien and convey, lease or farm out their rights of transportation to said road, their franchises, roadbed, railway, depots, rolling stock and all rights, easements and immunities to any other corporation, whether resident or non-resident, whether incorporated by the laws of Alabama or any other State, upon a two-thirds vote of the stockholders, at any meeting to be called by the directors of said company upon such notice as may be prescribed by the board of directors; and when authorized by said two-thirds vote of the stockholders at such meeting, the president and directors shall have the power to make such sale, lease or assignment and execute proper conveyances therefor; and the purchaser shall be entitled to all rights, franchises and immunities of the corporation hereby incorporated.

Sec. 18. Be it further enacted, That the principal place of business of the said company shall be, and the same is, hereby declared to be at Birmingham, in the County of Jefferson, and State of Alabama; but such principal place of business may be changed, by resolution of the stockholders of the company at any meeting duly called for that purpose.

Right of

way Sec. 19. Be it further enacted, That there is hereby granted to the said Birmingham Southern Railroad Company a right of way over any of the lands of the State of Alabama.

Office

Sec. 29. Be it further enacted, That the said company may, by resolution of its board of directors, establish in the City of New York, and State of New York, an office for the transfer and registry of the shares of the capital stock of said company, both common and preferred.

Approved February 17th, 1899.

No. 513)

AN ACT

(S. 297)

To repeal an act "To allow the sheriff of Macon and other counties, therein named, the same compensation for executing process of any kind in the Justice Court, as is now allowed by law for the same services in the Circuit Court," approved February 12th, 1885, so far as the County of Macon is concerned.

Repeal

Be it enacted by the General Assembly of Alabama, That an act to allow the sheriffs of Macon and other counties, therein named, the same compensation for executing process of any kind in the Justice Court, as is now allowed by law for same services in the Circuit Court, approved February 12th, 1885, be, and the same is hereby repealed, so far as the County of Macon is concerned.

Approved February 17th, 1899.

No. 514)

AN ACT

(H. 125

To make the fees of constables in the Counties of Talladega, Choctaw, Montgomery, Monroe, Covington, Shelby, Winston, St. Clair, Clay, Jefferson, Cleburne, Cherokee, Calhoun, Sumter, Randolph, Pickens, Etowah, DeKalb, Blount, Bibb, Crenshaw, Henry, Coffee, Butler, Elmore, Tuscaloosa, Perry, Hale, Chilton, Chambers, Coosa, Dallas and Bullock, the same as sheriffs fees when they perform the same or similar services, except in criminal cases.

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act the fees of constables in the Counties of Talladega, Choctaw, Montgomery, Mouroe, Covington, Shelby, Winston, St. Clair, Clay, Jefferson, Cleburne, Cherokee, Calhoun, Sumter, Randolph, Pickens, Etowah, DeKalb, Blount, Bibb, Crenshaw, Henry, Coffee, Butler, Elmore, Tuscaloosa, Perry, Hale, Chilton, Chambers, Coosa, Dallas and Bullock, shall be the same as the sheriffs fees when performing the same or like services: Provided, That in civil causes, in which the amount in controversy is less than twenty dollars (\$20.00), the constable shall not receive for their services therein greater fees than are now allowed by law. This act shall apply to work done in civil cases, and shall not apply in criminal cases.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved February 17th, 1899.

No. 515)

AN ACT

(H. 1124

To authorize the mayor and aldermen of the City of Opelika to issue bonds for said city for an amount not more than one hundred thousand dollars, for the purpose of constructing sewers, and for building school houses and furnishing the same; and for paying whatever floating or outstanding debts the city may have on the first day of May, 1899, not to exceed \$30,000; and to purchase or erect, as the said board may deem advisable, an electric light plant for said city; and to purchase or erect, as the board may deem advisable, a system of water works for said city.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the board of mayor and aldermen of the City of Opelika be, and they are, hereby authorized to issue bonds of said City of Opelika to an amount not exceeding one hundred thousand dollars, or so much thereof as said board may deem necessary, for the purposes hereinafter named, in denominations of not less than \$1,000 each, and payable thirty years from the date of their issuance, with coupons attached bearing interest at a rate not exceeding five per cent. per annum, and payable semi-annually, to bearer; said bonds and coupons being payable in coin of the United States, or in United States gold coin of the present standard of weight and fineness, as said board of mayor and aldermen may deem to be to the best interest of the said city, and payable at any or such bank in the City of Opelika, Alabama, or banking house in New York, as the mayor and board of aldermen may designate.

Signed by

Sec. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said city, and the seal of the city shall be affixed thereto, and the city treasurer must keep a correct record and account of all bonds issued and disposed of under this act.

Sec. 3. Be it further enacted, That the said mayor and aldermen of said city are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act; that said bonds shall not be sold for less than par, and the proceeds of said bonds shall be paid over to and kept by the treasurer of said city, to be used and applied in building and constructing sewers in said city, and in building school houses and furnishing the same, and to purchase or erect, as the said board may deem advisable, an electric light plant, for the purpose of lighting said city; and to purchase or erect, as the board may deem advisable, a system of water works, for the use of said city, and to pay off or discharge whatever floating or outstanding debts the said city may have on the first day of May, 1899, not to exceed \$30,000.

Use of proceeds

Sec. 4. Be it further enacted, That the use, payment and application of said money shall be under the direction of said board of mayor and aldermen of the City of Opelika, and the said treasurer shall be responsible for the safe keeping of the proceeds of the sale of said bonds, which may come into his hands in his official capacity, the same as other city funds, and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act.

City treasurer

Sec. 5. Be it further enacted, That said mayor and aldermen are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted, and no technical informality, irregularity, neglect or omission in the proceeding or records of said board shall in anywise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper, and at and after maturity thereof shall be receivable for all dues to the city in the way of taxes or otherwise.

Authority of mayor and aldermen

Sec. 6. Be it further enacted, That the bonds herein provided for shall have priority over all bonds of said city hereafter to be issued; and it shall be the duty of said board of mayor and alder-

Priority

When act
goes into
effect

men to provide for the payment of the same, principal and interest, before providing for the payment of bonds which may be hereafter issued by said city.

Sec. 7. Be it further enacted, That this act shall go into effect on and after the 1st day of May, 1899.

Approved February 21st, 1899.

No. 516)

AN ACT

(S. 411

To declare Henry D. Lewis, a liner between the Counties of Lowndes and Dallas, a citizen of Lowndes County.

Citizen of
Lowndes

Section 1. Be it enacted by the General Assembly of Alabama, That Henry D. Lewis, who resides at or near the line between Lowndes and Dallas counties, is hereby declared to be a citizen of Lowndes county.

Approved February 17th, 1899.

No. 517)

AN ACT

(S. 252

To repeal sub-division one of Section 4122 of Code of Alabama (1896), so far as the same applies to the County of Madison, in the State of Alabama.

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That Subdivision 1 of Section 4122 of the Code of Alabama (1896), be, and the same is, hereby repealed, so far as its provisions relate to the County of Madison, in the State of Alabama.

Approved February 17th, 1899.

No. 518)

AN ACT

(S. 437)

To authorize and empower the Town Council of the Town of Tuskegee to establish and maintain public schools in said town, and ratify and confirm the purchase of buildings and lands already made by said town council for said purpose.

Be it enacted by the General Assembly of Alabama, That the town council of Tuskegee, in addition to the powers conferred in the act of incorporation of said town, approved December the 14th, 1898, shall be authorized and empowered to establish and maintain public schools in said town, and all purchases of buildings and lands already made by said town council for said purpose are hereby ratified and confirmed.

Approved February 17th, 1899.

No. 520)

AN ACT

(H. 1325)

To authorize the Probate Judge of Shelby County to prohibit the running at large of stock in said county under certain conditions.

Section 1. Be it enacted by the General Assembly of Alabama, That whenever a petition, signed by a majority of the freeholders of any precinct in Shelby county, Alabama, and correctly describing the metes and bounds of said precinct, shall be presented to the probate judge of Shelby county, Alabama, praying that stock shall be prohibited from running at large in said described territory, it shall be the duty of said probate judge to at once publish in some newspaper in said county for two successive weeks a notice of the filing of said petition, and appointing a day for hearing the same, not more than thirty days thereafter. Upon said day the probate judge shall investigate whether said petition contains the names of a majority of the

Duties of probate judge

freeholders of said described territory; and if he finds that it does contain such majority of names, he shall forthwith enter upon his record books an order prohibiting the running at large in said territory of all live stock, under the penalties and conditions hereinafter set forth in this act. The probate judge shall be paid a fee of ten dollars for his services under this act, which, together with the fee for publication of said notice, shall be paid to him at the time of the filing of said petition: Provided, That the party filing said petition shall have the right to designate in what paper said notice shall be published.

Right to take
up

Sec. 2. Be it further enacted, That any stock found running at large in said territory after thirty days from the issuing of said order, may be taken up by the owner of the premises upon which it is found, or by his agent or tenant, and the person so taking up shall, within one day, notify the owner or owners thereof, if they are known, and if not known, then any justice of the peace in said territory, said stock to be held and properly cared for by the person so taking it up until all damages done to said premises or crops, together with reasonable charges for feeding and caring for the same, to-wit: ten cents per day for hogs, sheep, goats and cows, and twenty-five cents per day for horses, mules, jacks and jennies, are paid by the owner of the stock; and if no owner appears to claim said stock, then the justices of the peace so notified shall appoint three disinterested freeholders, who shall assess the said damages, and the justice of the peace shall sell the said stock at public outcry for cash after giving ten days notice of time and place of sale, and apply the proceeds of said sale to the payment of said damages, and all costs arising, the remainder, if any, to be turned over to the owner, if any should appear; and if not, then to be held by the justice of the peace until such owner shall appear.

Trial

Sec. 3. Be it further enacted, That when the owner of said stock shall claim the same, if he and the person taking up cannot agree upon the dam-

ages, they shall submit the question to a jury of three disinterested freeholders of the precinct, to be appointed by some justice of the peace of said precinct, and the damages assessed by said jury, together with all costs accruing, shall be paid by the said owner before recovering his stock; and the award of said jury shall constitute a prior lien upon said stock for the payment of the said amount.

Sec. 4. Be it further enacted, That justices of the peace shall be entitled to a fee of one dollar for their services rendered under this act, to be paid by the owner of said stock, or out of the proceeds of the sale of the same; and that the three freeholders provided for by this act to assess damages shall be entitled to a fee of fifty cents each for said services, to be paid in like manner as above provided. Fees

Approved February 18th, 1899.

No. 521)

AN ACT

(H. 1305

For the relief of H. W. Slaughter, late sheriff and tax collector of Baldwin County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That all settlements and allowances made by the county commissioners of Baldwin county, Alabama, with H. W. Slaughter, former sheriff and tax collector of said county, be, and the same are, hereby ratified, confirmed and legalized. Settlement confirmed

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed. Repeal

Approved February 17th, 1899.

No. 524)

AN ACT

(H. 1195)

To require the Court of County Commissioners of Crenshaw County to let out all bridge contracts at public outcry to the lowest responsible bidder.

Bridges

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the Court of County Commissioners of Crenshaw county be, and the same are, hereby required to let out all contracts of over twenty dollars for repairing and building bridges, after having given notice of same by advertisement for three successive weeks, at public outcry, to the lowest responsible bidder.

Approved February 17th, 1899.

No. 525)

AN ACT

(H. 1161)

To incorporate the "Greensboro Loan Company."

Incorporators

Name

Rights

Capital stock

Section 1. Be it enacted by the General Assembly of Alabama, That J. A. Ellerbe, George A. Searcy, and H. T. Waller, and their associates and successors, be, and they are, hereby made a body politic and corporate by the name of the "Greensboro Loan Company," and said corporation may adopt a common seal, and may break or alter the same at pleasure, and as such corporation they are hereby vested with all the powers and privileges of private corporations under the laws of this State, and with such other powers as are hereinafter granted.

Sec. 2. Be it further enacted, That the capital stock of said corporation shall be ten thousand dollars, divided with shares of one hundred dollars each; said corporation may increase said stock from time to time, not, however, to exceed five hundred thousand dollars, by the vote of the stockholders voting a majority of the stock of said company.

Sec. 3. Be it further enacted, That said corporation may, (1) sue and be sued, by its corporate

name; (2) plead and be impleaded; (3) contract and be contracted with; (4) buy, sell, own, improve, use, rent, hire, mortgage, pledge, or hypothecate real and personal property in its own right, and on its own behalf; (5) borrow and lend money on such security as it may think proper, own, buy, sell, mortgage, hypothecate, and hold notes, bills of exchange, choses in action, stocks, bonds and securities of every kind and description for and on its own behalf; (6) subscribe for and otherwise obtain capital in other corporations, and fully exercise all of the rights of a stockholder therein; (7) buy, sell, transfer, pledge and hypothecate patent rights or interest therein; (8) as agents or attorneys of others, buy, sell, manage, control, improve, repair, rent and lease real estate or any interest therein or right pertaining thereto, negotiate for others loans, discount sales and purchases of notes and bills of exchange with or without security of any kind whatever; negotiate, buy, sell, pledge, mortgage or hypothecate as attorney in fact or agent of others, or itself, personal property of every kind, choses in action, and rights of every kind, stocks, bonds and other securities; (9) to act as trustee under any assignment or deed of trust by appointment by any person, corporation or Court, or other authority, with or without bond, as may be required under such appointment; (10) to receive on deposit any property or security, mortgage or pledge subject to the terms of such pledge or mortgage or otherwise; and to issue certificates evidencing such deposit; (11) certify, sign or countersign bonds, coupons or other instruments secured by trusts conferred upon said company; (12) become surety upon any indemnifying bond, supersedeas bond, peace bond, attachment bond, detinue bond, replevin bond, forthcoming bond, appearance bond, cost bond, or security for costs without bond, and become security upon administrators bonds, guardians bonds, trustees and assignees bonds, receivers bonds, and upon other bonds of every kind and description required or authorized to be given in connection with any legal proceedings pending or

Powers

Powers

to be instituted in any Court whatever; become surety upon the bonds of Federal, State, County, Municipal or other public or private officers; (13) become surety upon any bond for the faithful performance of any personal service undertaken to be performed by any person, or for the faithful accounting for any money, choses in action, securities or property, the failure by the principal to account for which would constitute a crime under the laws of Alabama; (14) be appointed and qualified as, and exercise the powers and perform all the duties of administrators, executors, guardians, trustees, receivers or of any other fiduciary office to which it may be appointed by an order of any Court or by any person, by will or other instrument; (15) act as agent or broker of and for a resident or non-resident corporation or natural persons in and about negotiating and placing loans by mortgage or other securities bearing interest at the rate of .08 per cent. per annum, net, after paying all taxes assessed against the loan or loans, and to act therein as agent for either the borrower or lender, or both, or as a middle man for both, and to charge and receive from either the borrower or lender, or both, such compensation as may be agreed upon with it, and in the absence of an agreement, a reasonable compensation from both the borrower or lender; (16) it shall have and exercise all of the powers and perform all of the duties and do every act necessary or proper to be done as incidental to any of the powers conferred.

Sec. 4. Be it further enacted, That in negotiating, obtaining and placing loans by mortgage or otherwise, the note, notes, mortgages, and all papers relating to the same, may be made payable to said corporation, and by it transferred, or assigned with or without recourse, or may be sold at either private or public sale, and when a loan is so placed, negotiated or obtained, it may charge or receive compensation as may be agreed upon from either the lender or the borrower, or both, and the compensation to be paid by the borrower may be included in the papers or instruments so executed, to the said corporation.

Sec. 5. Be it further enacted, That said company shall have the right to charge and receive for lending its credit as indorser, surety or grantor, and for any service it may render other than under the order or appointment of a Court, such compensation as may be agreed upon with it, or in the absence of such an agreement, a reasonable compensation, and for such services as it may render under an order or appointment of a Court, it shall receive such compensation as a natural person would be entitled to for the same service.

Compensation

Sec. 6. Be it further enacted, That all Courts and judicial officers and other persons having authority in such matters, shall have the right, in its own discretion, to appoint such corporation, with or without bond and security, a guardian for the estates of minors and lunatics, executors or administrators of the estate of any deceased person, receiver, or trustee of estates of any kind, to cause to be deposited with the said company any and all moneys on deposit in any Court or in the custody of any judicial or public officer subject to the order or judgment of any Court or judicial officer.

May act as guardian, etc

Sec. 7. Be it further enacted, That every judge and every State, county, municipal or other public officer, or other person who may have or hereafter have, the power or authority to take and approve any bond upon which such corporation is authorized by this act to become surety, may accept said company thereon, and such bond shall be sufficient without any other surety unless the officer or person charged with the duty of approving such bond shall require such additional security.

Bonds

Sec. 8. Be it further enacted, That whenever said corporation shall become surety upon any public or official bond required by the laws of this State, or of any municipality, to be given by a State, county or municipal officer, such corporation may, and is hereby authorized and empowered to examine and audit the books, accounts and papers pertaining to such office at any time, and if, upon examination, said company should ascertain that there has been a default for which said company

Authority to examine books

would be liable, then said company may report the same to the proper authorities and pay or tender the amount of such defalcation, and be released as a guarantor or surety upon such bond or undertaking.

Power to
cancel

Sec. 9. Be it further enacted, That said company may, at any time, cancel its obligation as guarantor or surety upon any bond or undertaking, or assign any trust that may be conferred upon it whenever it deems it to its best interest: Provided, That nothing herein shall effect or release any claim against said company existing at the time of such cancellation or resignation; and, provided further, that in case of such cancellation or resignation, then said company shall, if there is no default or existing liberty upon it, refund to the assured pro rata the premium or compensation paid by him to said company for the unexpired time for which it had become surety.

Officers

Sec. 10. Be it further enacted, That the affairs of said company shall be managed by a president, three (3) directors, to be elected by the shareholders of said company at such time and places as may be fixed by the by-laws thereof. The powers and duties of such president and directors shall be such as the by-laws of the company declare; the number of directors may be changed from time to time, in such manner as may be fixed by the by-laws of the company; and any vacancy occurring in the presidency or directors may be filled by the directors.

Powers

Sec. 11. Be it further enacted, That said corporation shall have power and is authorized to transact, manage and carry on its business through brauch officers or agents in such manner and in such places as the board of directors may deem best.

Subscription
to stock

Sec. 12. Be it further enacted, That the corporators named in the first section of this act, their successors or assigns, or any two or more of them, may open books of subscription to the capital stock of said corporation by giving personal notice to each of said corporators of the time and place of said meeting to be held for that purpose, and when fifty per cent, of the said stock has been subscribed

for in good faith by solvent parties, which may be paid for in money or property at its real value, said corporation shall then be organized by the election of a board of directors, and when ten per cent. of the amount so subscribed shall be paid to the proper officer designated to receive the same, the said corporation shall be authorized to begin business.

Approved February 18th, 1899.

No. 526)

AN ACT

(H. 1160)

To authorize the mayor and council of Auburn to issue bonds for an amount not to exceed six thousand dollars, for the purpose of building a school house or houses and repairing the same.

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the town of Auburn be, and are, hereby authorized to issue bonds of said town or corporation to an amount not exceeding six thousand dollars, or so much thereof as said mayor and councilmen may deem necessary for the purpose of building a school house or houses, and repairing the same, in denominations of not less than \$100 each and payable twenty years from the date of their issuance, with coupons attached bearing interest at a rate not exceeding six per cent. per annum, and payable in coin of the United States, or in United States gold coin of the present standard weight and fineness, as the said board of mayor and council may deem to be the best interest of said town or corporation, and payable at such bank in the City of Opelika, Alabama, as the said board of mayor and council may designate.

Bonds

Sec. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said town of Auburn, and the seal of said town, if any, shall be affixed thereto,

Signed by

and the city treasurer must keep a correct record and account of all bonds issued and disposed of under this act.

Use of proceeds

Sec. 3. Be it further enacted, That said mayor and council are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act; that said bonds shall not be sold for less than par, and the proceeds of said bonds shall be paid over to and kept by the treasurer of said town to be used and applied in building or repairing a school house or houses, and furnishing the same.

Treasurer

Sec. 4. Be it further enacted, That the use, payment and application of said money shall be under the direction of said board of mayor and council of the said town of Auburn, and the said treasurer shall be responsible for the safe keeping of the proceeds of the sale of said bonds, which may come into his hands in his official capacity, the same as for other funds, and there shall be no commissions paid said treasurer for receiving or disbursing any of the funds arising from the sale of the bonds named under this act.

Authority of mayor and council

Sec. 5. Be it further enacted, That said mayor and council are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted, and no technical informality, irregularity, neglect or omission in the proceedings or record of said board shall in anywise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper, and at and after maturity thereof shall be receivable for all dues to the said town of Auburn in the way of taxes and otherwise.

Priority

Sec. 6. Be it further enacted, That the bonds herein provided for shall have priority over all bonds of said town hereafter to be issued, and it shall be the duty of said board of mayor and council to provide for the payment of the same, principal and interest, before providing for the payment of bonds which may hereafter be issued by said town of Auburn.

When act goes into effect

Sec. 7. Be it further enacted, That this act shall go into effect on and after its passage.

Approved February 18th, 1899.

No. 527)

AN ACT

(H. 1157)

To amend an act to provide a new charter for the
Town of Russellville.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 3 of an act to provide a new charter of the town of Russellville be amended so as to read as follows: "Sec. 3. Be it further enacted, That the government of said town shall be styled the Mayor and Aldermen of Russellville, and shall consist of a chief officer, to be styled "Mayor of the Town of Russellville," and four aldermen, who, together with the city marshal, shall be elected as hereinafter described, and whose term of office shall commence immediately after their election and qualification, and who shall hold office and discharge the duties thereof for one year, and until their successors are duly elected and qualified. And the board of mayor and aldermen shall direct and superintend said elections, and shall have power to prescribe the mode in which all elections shall be conducted, appoint registrars, and assistant registrars, of electors, and prescribe the manner of determining the qualifications of electors, and the mode of returning and counting the votes, the votes to be returned to the existing mayor, and by him to be laid before the board, to be examined and counted, and who shall declare the result of said election. In the event the mayor and aldermen, or any of them, are candidates for re-election, then the said board shall elect one or more persons, as the case may be, from the qualified voters of said town, to conduct the election in the stead of such members as are candidates for re-election, who shall be invested with the powers in the premises that are vested in such members of such board for whom he or they are substituted."

Section 3
amended

Government

Sec. 2. Be it further enacted, That Section 4 of said act be, and the same is, hereby amended to read as follows: "Sec. 4. Be it further enacted, That the election for mayor and aldermen and city mar-

Section 4
amended

Elections

shal shall be on the first Monday in April of each and every year, at which election a mayor and four aldermen and a city marshal shall be elected by the qualified voters of said town; and no one shall be eligible as mayor or aldermen or city marshal unless said person is a qualified elector, as provided in Section 7 of this act."

Section 8
amended
Town officers

Sec. 3. Be it further enacted, That Section 8 of said act be amended so as to read as follows: "Sec. 8. Be it further enacted, That the mayor and board of aldermen of said town shall have power to elect a town clerk or secretary, town treasurer and such other agents or employees as they may see fit and think necessary for the good government of said town, and to carry out the powers herein granted; and may prescribe the duties, liabilities and powers of the city marshal and its officers, agents and employees, and may require them to give bond in such sum as they see fit for the faithful discharge of their duties; and may remove and discharge any of the officers, agents and employees appointed by said board; and they may fix the salaries and compensation of all officers, agents, and employees of said town. For any breach of the bond of any town officer, agent or employee, suit may be brought in the Circuit Court of Franklin county, Alabama, or before any Court having jurisdiction; and such suit shall be governed in the same manner of other like suits. The town clerk shall keep a regular record of all proceedings, orders, regulations, resolutions, ordinances of the town of Russellville, which shall be read to the mayor and board of aldermen, and signed by the mayor, or acting mayor, when approved by the board, and the same shall have the force and effect of a record, and a copy thereof, certified by the clerk or secretary, shall be prima facie evidence in any Court of record or elsewhere, and said record shall at all times be open to inspection."

Marshal

Sec. 4. Be it further enacted, That until the next regular election, on the first Monday in April, 1899, the board of mayor and aldermen shall have the right to appoint a city marshal for said town.

Sec. 5. Be it further enacted, That all laws in conflict with this act, be and the same are hereby repealed. Repeal

Approved February 18th, 1899.

No. 529)

AN ACT

(H. 1138

To establish a separate school district in Chilton County, to be known as the Jemison School District.

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the City of Jemison be, and they are, hereby created a Trustees board of trustees of the separate school district created by this act, and such board of trustees are alone authorized and empowered to employ, license Powers or contract with teachers of any public school in said school district established and created by this act, and that no other teacher shall be employed to teach public schools in said city unless such teacher so employed shall be duly examined as to his or her efficiency, by such authority as said board of trustees may select. The said board shall appoint a secretary and treasurer, who shall be a member of the board, and shall give bond for such sum as the board may direct for the faithful discharge of his duties. That the City of Jemison, as such school district, shall receive its proportionate share of the public fund, including the prorata share of School funds the sixteenth section fund of each township that lies partly within said school district, all such funds to be drawn from the proper authorities and distributed by the said board of trustees through its secretary and treasurer in the same manner as county superintendents of education draw and disburse funds for their respective counties: Provided, That said board of trustees at any time after the same has been paid in, draw from the State of Alabama all school funds due said school district, for the then scholastic year, and the amount thus

drawn by the said board of trustees shall be used exclusively for the maintenance of the free public schools in the city for white or colored schools, as may have been appropriated by law.

Approved February 18th, 1899.

No. 530)

AN ACT

(H. 1117

To amend Section 13 of an act entitled "An act to establish a new charter for the City of Cullman," approved December 12th, 1890.

Section 13
amended

City officers

Section 1. Be it enacted by the General Assembly of Alabama, That section thirteen of an act entitled an act to establish a new charter for the City of Cullman, Alabama, approved December 12th, 1890, be amended so as to read as follows: Section 13. Be it further enacted, That the mayor and council shall have power to appoint a marshal, policemen and such other officers as they may deem necessary, and remove them at pleasure, except the following officers, viz: Tax assessor, tax collector, which shall be consolidated by the mayor and council of said city if they should deem it best for said city, and separated whenever the mayor and council shall, by order or ordinance direct, which order may be changed at their will; clerk, treasurer, which said officers of clerk, tax assessor, tax collector and treasurer shall be elected by the qualified voters of said city at the regular city election in April, 1899, and every two years thereafter as the other officers are elected, viz: The mayor and council of the City of Cullman, and in the same mode and manner as prescribed and directed by the provisions of the act creating and establishing a new charter for the City of Cullman, approved December 12th, 1890, and that said officers when elected shall hold their respective offices for the term of one year and until their successors are elected and qualified, and that said officers shall be required to execute an official bond, payable to the City of

Cullman in such sum as may be designated by the mayor and council not to exceed double the amount of money that may come into their hands by virtue of their office, to be approved by the mayor and council of said city.

Approved February 18th, 1899.

No. 531)

AN ACT

(H. 1327

To relieve Birdie Cornelia Swift, a minor, of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That Birdie Cornelia Swift, a minor, ^{Relief} under the age of eighteen years be, and is hereby relieved of the disabilities of non-age.

Approved February 17th, 1899.

No 532)

AN ACT

(H. 475

For the relief of Lee Scott Baber, of the County of Montgomery.

Section 1. Be it enacted by the General Assembly of Alabama, That Lee Scott Baber, a minor, ^{Relief} of the County of Montgomery be, and is hereby relieved of the disabilities of non-age.

Approved February 17th, 1899.

No. 533)

AN ACT

(H. 591

To provide for holding Chancery Court in Washington county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That Washington county is hereby constituted the Fourteenth Chancery District of

the Southwestern Chancery Division of Alabama; and that the Chancery Court shall be held in said district at St. Stephens, on the Thursdays after last Mondays in February and August, and may continue three days.

Duty of reg-
ister of
thirteenth
district

Sec. 2. Be it further enacted, That the register in chancery of the Thirteenth District of said division shall, as soon as practicable after the appointment of a register for the Fourteenth District, forward to said register all causes pending in the Chancery Court for the Thirteenth District, which would have been properly commenced in the Chancery Court of the Fourteenth District, had this act been in effect at the time of the institution of said causes. Said causes shall be docketed and tried in the Chancery Court at St. Stephens. The chancellor for the division must direct in writing what causes the register of the Thirteenth District shall transfer to the register of the Fourteenth District under this act.

Repeal

Sec. 3. Be it further enacted, That all laws conflicting with this act be repealed.

Approved February 18th, 1899.

No. 534)

AN ACT

(H. 543

To repeal an act entitled An act to establish the Haw Ridge Public School District, in Dale and Coffee counties.

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That the act of the General Assembly of Alabama, entitled, An act to establish the Haw Ridge Public School District, in Dale and Coffee counties, approved February 7th, 1885, be, and the same is hereby repealed.

Approved February 17th, 1899.

No. 535)

AN ACT

(H. 725

To exempt from public road duty the members of the fire company and the hook and ladder company of Prattville, Alabama.

Be it enacted by the General Assembly of Alabama, That all members of the present chartered fire company and the hook and ladder company of the town of Prattville, Autauga county, Alabama, living within two miles of the corporate limits of said town be, and the same are hereby exempt from duty on the public roads of said county .

Exempt from
road duty

Approved February 17th, 1899.

No. 536)

AN ACT

(H. 728

To exclude and take from the Louisville and Mt. Zion School District, of Baurbour county, Section nineteen (19) and the south half of section eighteen (18) and the south half of section seventeen (17), township nine (9), range twenty-five (25).

Section 1. Be it enacted by the General Assembly of Alabama, That section nineteen (19) and the south salf of section eighteen (18) and the south half of section seventeen (17), of township nine (9), range twenty-five (25), in Barbour county be, and the same are hereby excluded and taken out of the Louisville and Mt. Zion School District, of Barbour county.

Sections
excluded

Approved February 17th, 1899.

No. 537)

AN ACT

(H. 732

To amend section 6 of an act entitled, "An act for the protection of land and plantations from depredations by stock in Bullock county," approved December 8th, 1880, approved February 11th, 1883, approved February 13th, 1897.

Fees

Section 1. Be enacted by the General Assembly of Alabama, That section 6 of an act entitled, "An act to amend an act entitled an act for the protection of land and plantations from depredations by stock in Bullock county, approved December 8th, 1880, approved February 11th, 1883, approved February 19th, 1897, be amended so as to read as follows: Section 6. Be it further enacted, That for taking up and keeping the following fees shall be allowed for the use of the person taking up, to wit: For taking up each horse, mule or ass, ten cents; for taking up each cow or hog, five cents; for taking up each sheep or goat, three cents, and ten cents for every day each horse, mule, or cow, ass or hog, and five cents for every day each sheep or goat is kept by the taker up. Young animals, not capable of doing damage to crops shall not be charged for, nor shall any charge be made for keeping any animal for the time said animal is used or worked while in possession of taker up, and the taker up or his agent shall not be liable for injury to animals or for escapes except in cases of wilfull neglect or when such damage was intended: Provided, no fees shall be allowed for taking up stock under the provisions of this act after the 25th day of December of each year, and the first day of March of each year, next preceding; provided, further, that the provisions of this act shall apply only to beat No. 11 of said county.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 17th, 1899.

No. 538)

AN ACT

(H. 796

To establish a new charter for the town of Hartselle, in Morgan county.

Section 1. Be it enacted by the General Assembly of Alabama, That the town of Hartselle be, and the same is hereby incorporated and the corporate limits of said town shall embrace the following territory in Morgan county, Alabama: Beginning at the L. & N. depot as now located in said town, and extending six hundred yards in every direction from said depot.

Sec. 2. Be it further enacted, That an election shall be held in said town on the first Monday in May, 1899, and on the same day every year thereafter, to commence at 8 o'clock a. m., and close at 4 o'clock p. m., for the purpose of electing a mayor and five councilmen, who shall be citizens of said town, and who shall serve for one year and until their successors are qualified; which said election shall be held by the intendant and two councilmen, or three councilmen of said town, and all subsequent elections shall be held by the mayor and two councilmen, or three councilmen of said town. The person receiving the highest number of votes for the office of mayor shall be elected mayor, and the five persons receiving the highest number of votes for councilmen shall be elected councilmen. Every person of said town who would be a legal voter at an election for members of the General Assembly, and legally registered as a voter and shall have been a resident of said town for thirty days next preceding the election, will be a legal voter for mayor and councilmen at such election.

Sec. 3. Be it further enacted, That said mayor and councilmen shall elect a marshal, clerk, treasurer and such other officers as they may think necessary for the good government of said town, said marshal, clerk, treasurer and other officers shall hold office for a term prescribed by the ordinances of said town, not to exceed one year, and receive

such compensation for their services as may be allowed by said mayor and councilmen, and before entering upon their duties they may be required to enter into bonds in such sums as may be prescribed by the ordinances of said town, to be approved by the mayor, and payable to the mayor and his successors, for the faithful discharge of their respective duties, and each must take and subscribe to the oath following, to wit: I, A. B. (as the case may be), solemnly swear that I will, to the best of my skill and ability discharge the duties incumbent on me as _____ of the town of Hartselle, so help me God. A certificate of said oath to be attached to the respective bonds, and filed in the office of the mayor.

Elections

Sec. 4. Be it further enacted, That at the election for mayor and councilmen prescribed in section two of this act, that the managers thereof shall make and preserve a certificate showing the number of legal votes for the different offices, and showing what person received the highest number of legal votes for mayor and the five persons who received the highest number of legal votes for councilmen of said town. In case of a tie vote, either for mayor or councilmen, the mayor and councilmen of said town or such of them as may not be interested shall determine of the two who shall be mayor or councilmen, as the case may be. All elections for mayor and councilmen under this act shall be by ballot, and no person shall be eligible to office under this act unless he be a qualified voter in said town, said election shall be otherwise held as prescribed by the general election laws of Alabama, so far as the same may be applicable thereto.

Removals

Sec. 5. Be it further enacted, That the mayor and councilmen shall have the power to remove from office any of the officers of said town for satisfactory reasons, and appoint others; the councilmen upon a four-fifths vote may for a good reason remove the mayor, and the mayor and councilmen upon a four-fifths vote may for a good reason remove any councilman or the marshal. All vacancies

in the offices, by death, resignation or other cause, shall be filled by the mayor and councilmen, and the person so elected shall hold office for the remainder of the term. The mayor and councilmen shall have the power to fix the salaries or compensation of the officers as in their judgment they may deem sufficient.

Sec. 6. Be it further enacted, That the said mayor and councilmen are hereby constituted a body ^{Name} politic and incorporated by the name and style of the mayor and council of the town of Hartselle, by which name they and their successors in office shall be capable in law and equity of suing and being sued, pleading and being impleaded, and in general to do and perform all acts incident to bodies corporate; to purchase and to hold and dispose of for the benefit of said town, real, personal and mixed property to the value of twenty thousand dollars.

Sec. 7. Be it further enacted, That should any election fail to be held for mayor and councilmen ^{Elections} on the day prescribed by this act, the corporation shall not, for that cause be dissolved; but the mayor and councilmen shall remain in office until their successors are elected and qualified, and they shall appoint some other day, not beyond sixty days thereafter, on which an election for mayor and councilmen shall be held as prescribed by this act. Ten days notice by posting at three public places in said town shall be given of all elections held under this act, said notice to be signed by the mayor.

Sec. 8. Be it further enacted, That a majority of the mayor and councilmen shall constitute a quorum ^{Quorum} for the transaction of any and all business that may come before them, and for the passage of by-laws and ordinances. The mayor and councilmen shall fix their own sessions, and the mayor or two councilmen may call special meetings of the board, notice thereof being given by the marshal to all the board in town at the time. In case of sickness, or temporary absence of the mayor, he may appoint one of the councilmen to act as mayor

during such sickness or absence, and such mayor pro tempore shall exercise all the powers and perform all the duties of the mayor.

Powers

Sec. 9. Be it further enacted, That the mayor and councilmen of said town shall have full power and authority: 1. To make and adopt by-laws and ordinances, in whatever manner, and upon whatever subject to carry out the power herein granted, and for the good government and order of the town as they think proper, and generally in addition to the powers herein specifically enumerated, which are no limitations upon the powers included in this general grant of power to ordain and pass such ordinances and by-laws, not inconsistent with the laws of this State, as shall be needful for the government, police interest, welfare and good order of the town, and to affix thereto such penalties for the violation of the same by fine not exceeding one hundred dollars and by imprisonment or hard labor for the town not exceeding sixty days, and all persons convicted of any breach of the by-laws or ordinances of the town, failing to pay or secure said fine, may be imprisoned for such failure or placed at hard labor for the town until said fine and cost are paid, in such manner as the board may direct, not exceeding ninety days: Provided, that any person may have the right to give a stay bond, with two good and sufficient sureties, to be approved by the mayor, to pay such fine and cost within ninety days from the judgment imposing the same; but if after such bond and security are given such fine and cost be not paid within ninety days, execution to collect the same may be issued against the obligors on said bond. The board may pass all such laws as are needful to compel persons to work in the streets and alleys in said town or elsewhere in the town who refuse to work when under the mayor's sentence for violating any town ordinance or by-law, but no female must be punished by subjecting her to work on the streets. 2. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said town and to preserve the health thereof; to

establish and regulate quarantine in said town and within five miles thereof, and to punish any breach of quarantine law. 3. To prevent and remove all nuisances at the expense of the owner of the property, or when the same is in the possession of another than the owner, then at the expense of the person in possession of the premises; to remove all decayed and dilapidated walls, houses and structures calculated to produce diseases, or dangerous or unfit for habitation, or dangerous to the public, at the expense of the owner of the same; when the owner fails or refuses for five days after notice shall have been given him in writing by the mayor to remove or renovate or repair such walls, houses or structures, as the case may be. 4. To establish, set up and regulate hospitals, workhouses and houses of correction. 5. To license, tax, regulate or restrain theatrical or other amusements. 6. To restrain or prohibit gambling, gaming houses, houses of ill fame, disorderly conduct, breeches of the peace, riots, unlawful assemblies, public indecencies, racing, prize-fighting, cock-fighting, anything else hurtful to the good order and morals of society, and all misdemeanors as defined by the Code of Alabama, and all gambling implements and devices of any kind shall be subject to seizure and forfeiture under such lawful rules and regulations as the board may prescribe, when said implements or devices are brought to Hartselle, or made or kept or found in the town to be used for gaming purposes. 7. To appoint and regulate day and night watchmen, police, patrol, and captain thereof. 8. To divide the town into wards, and to regulate and change the same. 9. To establish, regulate and control markets, market houses, and to pass by-laws for the sale of meat, vegetables, and other like articles within certain places and within certain houses. 10. To sink, repair and regulate fire plugs and public hydrants, and to make all needful provisions to supply the town with water, gas, and gas lights, and electric lights, and to control street lamps. 11. To open all streets and alleys, within the territory covered by this act, as laid down on

Powers

Powers

the map of said town, and to open and locate streets and alleys in any addition to said town, where or in any part of said town the same are not shown on the map, and to regulate such streets and alleys, or any part or parts thereof; to establish avenues, pavements and sidewalks and curb and grade them and regulate the same. 12. To establish and build drains and sewers, aqueducts and reservoirs, and to regulate the same. The board may extend drains and sewers beyond the town limits when necessary. 13. To construct and keep in repair all bridges, sewers and drains, and to regulate the use thereof, and to confine, wall up, cover over, alter or change the channel of any water course. 14. To establish, regulate or change fire limits within said town, and to pass all laws necessary for the protection of said town against fire, and for this purpose may remove any wooden building, or structure, paying the owner a reasonable price therefor; to require all owners of theatres, opera houses and other houses where the public assemble en mass to provide such houses with fire escapes, and suitable exits. 15. To compel all male citizens of said town, between the ages of eighteen years and forty-five years to work the streets of said town for not more than ten days in any year, and to provide for the payment of a street tax in lieu of said working, not to exceed five dollars per annum; and to pass all ordinances necessary to carry this provision into effect; and the citizens of Hartselle shall be exempt from public road duty. 16. To lay out, regulate and control the town cemetery, burial grounds, and to sell burial lots in the same. 17. To prevent the running at large on the streets of said town of all dogs, cows, hogs, horses, goats, sheep or other animals or fowls, and to pass all laws in the judgment of the board necessary for the impounding and sale of animals, or fowls, on proper notice to the owner thereof. 18. To regulate and control the running of cars or locomotives on or across the streets, avenues or alleys in said town, and to control the speed of such cars and locomotives in said town. 19. To pass all necessary and proper laws

for the arrest, with or without a warrant, of all offenders against the town ordinances or State laws, and to confine such persons until tried, convicted or discharged by law. 20. To pass all laws and ordinances in relation to auctioneers, plying their vocation on the streets, and to prohibit or regulate the same, and to regulate pawnbrokers. 21. To make and ordain necessary laws concerning idlers, tramps, paupers, prostitutes, gamblers, disorderly or vicious persons, in correcting or restraining their vicious or immoral habits, and to compel such persons to give such bond and security to be approved by the mayor for their good behavior for a reasonable time, or upon their failure or refusal to give such bond and security, for their condemnation to hard labor for the town or imprisonment for a limited time, not exceeding thirty days. 22. To punish all persons who obstruct the marshal or other officers in the arrest of any persons in said town, or in the lawful discharge of any duty in said town, and to punish any persons who, when called upon to aid any marshal or policeman of said town, fails or refuses to give such aid to such officers in making arrests. 23. To prescribe the location and manner in which drainage from private premises may be disposed of, water closets and sinks, constructed, and the forbidding of closets and sinks when out of order. 24. To regulate and control the manner of building partition walls and sewers, and regulate the keeping and storage of gunpowder or other dangerous material, guano and other commercial fertilizers within said town; to regulate and control the sweeping of chimneys, use of lights, stove pipes and flues in all shops, stores, kitchens, houses and other places in said town; to cause the removal or pulling down of houses to prevent the spreading of fire and to extinguish the same. 25. To grant the right of way through, over and across the streets, avenues and squares of said town for the purpose of street or other railroads, telephones, telegraph and electric light company, and for laying the pipes for gas and water companies. 26. To have and exercise full

Powers

police powers in said town; to prevent crime and arrest offenders; to protect the right of persons and property; to preserve the public peace, and for this purpose may demand the assistance of the sheriff of Morgan county, and all volunteer military companies in said town whenever the mayor and board may deem the same necessary. 27. To punish injuries to the streets, sidewalks and trees and to private and town property. 28. To license, tax and regulate auctioneers, grocers, merchants, retailers, lawyers, brokers, coffee houses, confectioners, bankers, butchers, peddlers, tavernists, dentists, livery stable keepers, physicians, and to collect a license tax thereon; and to levy, tax and collect a license tax on all business, trades, occupations, professions, and all other privileges carried on within the corporate limits of the said town, not prohibited by the constitution and laws of the State of Alabama, and to fix the amount of such license tax, and to provide for the collection thereof; and to provide a penalty for doing business, profession, vocation, calling, or other privilege without paying such license tax; and the said mayor and board of aldermen shall have the power to pass by-laws, ordinances and resolutions for the licensing of such business and vocation as are now licensed by the State: Provided, The amount of such license does not exceed the revenue laws of the State, except as hereinafter specified; and to impose and collect licenses on the following businesses, not licensed by the revenue laws of the State, and other business whether licensed by the State or not, the annual license thereon not to exceed the following amounts: auctioneers, one hundred dollars; barber shops, for each chair, ten dollars; banks and bank agents, and dealers in exchange, fifty dollars; commission merchants and brokers, whether by sample or otherwise, fifty dollars; express companies, each, fifty dollars; hotels, each, twenty-five dollars; restaurants, each, twenty-five dollars; life, fire and other insurance companies or agents representing the same (except such as are under the control of secret or fraternal societies), for each company,

Licenses

Licenses

firm or person, ten dollars; livery stables, twenty-five dollars; livery and sale stables, fifty dollars; dealers in fish or oysters, or either, ten dollars; transient physicians or venders of patent medicines, fifty dollars; undertakers, twenty-five dollars; keepers of studs, jacks or bulls, twenty-five dollars; telegraph companies, fifty dollars; carts, drays, wagons, hacks, coaches or omnibuses, twenty-five dollars; warehouses and public weighers, fifty dollars; dealers in commercial fertilizers, twenty-five dollars; dealers (other than general dealers) in wagons, buggies or carriages not manufactured in the town, twenty-five dollars; watchmakers doing business for themselves, each, ten dollars; printing offices, ten dollars; coal or wood yards, each, ten dollars; lumber yards, each, twenty-five dollars; brick yards, or dealers in brick, ten dollars; dancing schools, ten dollars; skating rinks, ten dollars; ice cream, ten dollars; real estate agents, twenty-five dollars; telephone exchanges, each, one hundred dollars; plumbers or gas fitters, each, ten dollars; ice factory, twenty-five dollars; lightning rod agents, twenty-five dollars; drummers or commercial agents selling to consumers, each, fifty dollars; peddlers on foot, on horseback or in wagons, fifty dollars; fruit venders from stands, or on street, twenty-five dollars; horse, horse and mule drovers, one hundred dollars; each company having railroad office in, or running cars in or into the town for the business of transporting freight or passengers from Hartselle to other points in Alabama, and from other points in Alabama to Hartselle, seventy-five dollars; railroad commissaries, or grub car, whether run by railroad or individuals, for each car used in selling goods within the corporate limits of the town of Hartselle, one hundred dollars; retail dealers in malt or vinous liquors, five hundred dollars. And to levy and collect from all persons and firms or corporations, trading or carrying on any business, trade or profession, by agents or otherwise, in the corporate limits of the said town, a license tax, which shall be fixed and declared by ordinance, and a license as

laid shall be issued and the amount imposed shall be collected as may be provided by ordinance of said town: Provided, That in assessing the license tax said board of mayor and councilmen shall be governed by the amount of stock in trade carried by the person, firm or corporation against whom said tax is assessed, and the amount of business done by any person, or persons, pursuing any vocation herein authorized to be licensed.

Appeal

Sec. 10. Be it further enacted, That the party against whom a conviction is had or judgment is rendered, in the Mayor's Court, may have an appeal from the Mayor's Court to the Circuit Court of Morgan county, by proceeding in the same manner as is provided by law for appeals from the County Court to the Circuit Court, except that the bond shall be made payable to the mayor and council of the town of Hartselle, and be approved by the mayor. If the defendant fails to appear at the Circuit Court, a judgment nisi, as in cases of forfeited bail bonds taken in the Circuit Court, shall be rendered against the defendant and his sureties, in favor of the mayor and council of the town of Hartselle, and proceedings had similar to those upon other forfeited bonds; and a warrant of arrest issued for the defendant from the Circuit Court to be executed by the sheriff of the county; and the sheriff may release said defendant when arrested, by his entering into bond with sufficient surety in like manner as the appeal bond. The trial in the Circuit Court shall be de novo upon a complaint filed in the name of said town, briefly stating the charge against said defendant. If the defendant is convicted, the Court shall render judgment against the said defendant, imposing such fine or imprisonment, or hard labor on the streets of said town, or both fine and imprisonment, or hard labor, as the Court may deem proper; and shall also render judgment for all costs and fees in the Circuit Court and Mayor's Court; and if the fine and costs are not paid or judgment with satisfactory security confessed for the same, shall sentence the defendant to hard labor on the streets or public works

of said town, at the rate of one day for each fifty cents of fine and costs. The Court shall direct the sheriff, when the defendant is sentenced to hard labor or imprisonment, to deliver him to the town authorities for the purpose of having the sentence of the Court executed; all fines and forfeitures so imposed to be paid to the treasurer of the said town for town purposes.

Sec. 11. Be it further enacted, That said corporation shall have power, in addition to the special Taxes herein authorized, to levy an annual tax for the purpose of defraying the expenses of said corporation, not exceeding one-half of one per cent. on the assessed value of the property taxed in any one year, and to collect and enforce the payment of said tax according to the provision of this act on the following property, to-wit: all real and personal property, all stocks in trade, notes and accounts, certificates of deposits, money hoarded or out at interest, judgments, bonds or other obligations for the payment of money, and all species of property not specifically enumerated, within the corporate limits of said town, whether owned by individuals, corporations or partnerships, or held by any person in his, her, or their own right, or the right of any other person or persons as agent or in any capacity, except property exempt from taxation by the laws of this State.

Sec. 12. Be it further enacted, That all the property in said town subject to taxation shall be assessed by the clerk of said town in the following manner: Said clerk shall, on the first day of October in each year, or as soon thereafter as practicable, publish, or cause to be published, written or printed notices to the citizens of said town, and post in conspicuous places in sufficient number to give warning to every one, that his books will be open ten days next after the publication of said notices for the assessment of said taxable property; and it shall be the duty of every person holding such property within said town to visit the office of said clerk within said time, and give in or render to him under oath a list of said property, and its

market value; and if any one shall fail or neglect to give in or render his, or their property within said time, then it shall be the duty of said mayor to appoint two disinterested freeholders of said town, who, together with the clerk, shall proceed to assess all property not given in, to the best information they can obtain; and should the freeholders so appointed fail or refuse to act, then the mayor shall appoint two members of the council, who shall proceed with the clerk to assess said property.

Duty of clerk

Sec. 13. Be it further enacted, That it shall be the duty of the clerk to make a digest of all the property assessed in the town of Hartselle, with the value thereof, to the mayor and council at their first regular meeting in November, and when such digest shall have been inspected and found correct, the mayor and councilmen may proceed to levy such rate per cent., not exceeding one per cent., as will raise sufficient revenue for the wants and expenditures of the corporation for the fiscal year.

Delinquents

Sec. 14. Be it further enacted, That it shall be the duty of the mayor and councilmen to turn over to the marshal or tax collector, the digest of the taxes as early after the first meeting in November as practicable, and said marshal or tax collector shall at once publish or cause to be published, written or printed notices to the citizens of said town, and post in conspicuous places in sufficient number to give warning to every one that his books will be open ten days next after the publication of said notices for the purpose of collecting the taxes due the said town of Hartselle, and giving to each person who pays a receipt for the same; and, if after the first day of January following, there should be any delinquents, it shall be the duty of the marshal or tax collector, at once, to call and see in person all such delinquents or their agents who reside within the corporate limits of said town at the time, and collect in addition to the tax assessed, a fee of fifty cents. And if, after the first day of March following, there should be any delinquents, it shall be the duty of the clerk

Delinquents

to issue executions against them immediately and place the same in the hands of the marshal. When said execution shall have been placed in the hands of the marshal he shall notify all delinquents of the fact, and if, after the expiration of five days from said notice, the tax still remains unpaid he shall proceed to levy said executions upon such property, real or personal, as he may find in the corporate limits of said town belonging to the defendants in execution, or he may proceed by garnishment in the same manner as tax collectors do for the collection of State taxes. After the levy of said executions the property levied on shall be advertised for sale by the marshal for at least ten consecutive days, by posting at least six written or printed notices in conspicuous places in said town; after the property so levied on shall have been advertised as herein provided, the marshal between the hours 11 o'clock a. m. and 3 o'clock p. m., expose the same for sale at public outcry for the taxes and cost that may have accrued thereon, and whoever shall bid off the property or any part thereof for the amount of taxes and cost shall be declared the purchaser of the same, and shall receive from the marshal on all sales of real estate a certificate of said purchase, setting forth a description of the property sold, the amount of taxes and cost paid, and the time and place of sale, and upon the payment of said taxes and cost the mayor shall turn said certificate of purchase over to the purchaser, to be held by him as an evidence of his purchase, and if said purchaser shall hold said certificate for twelve months without a redemption of the property as hereinafter prescribed, then the said marshal shall execute title to said property to the purchaser, or his assignee, which said title shall be signed by the marshal, and countersigned by the mayor, and shall vest in the purchaser, or his assignee, all the interest in and to said property, which was vested in the defendant in execution; and if there shall be no bidders at said sale, it shall be the duty of said marshal to bid the same off for the mayor and

council of the town of Hartselle, in the same manner as hereinbefore provided, and said title shall vest absolutely in said town as to all the interest of the defendant in the execution.

Rights to
redeem

Sec. 15. Be it further enacted, That any person or persons whose real estate shall have been sold for taxes under the provision of this act shall be allowed, at any time within twelve months from the date of such sale, to redeem the same by paying the amount of said purchase and twenty per cent. additional, which said amount, if there be a purchaser, shall be paid over to him, and his certificate of purchase shall be taken up and canceled; but if the property shall be bid off for the mayor and council of the town of Hartselle, then the same shall be turned over to the treasurer of the said town, and the certificate of purchase canceled.

To equalize

Sec. 16. Be it further enacted, That it shall be the duty of the mayor and councilmen, when it is made to appear that any person has given in taxable property at too low or too high valuation, to equalize and arrange the assessment in accordance with the real value of said property, but in no case shall the assessment be changed without first summoning the party interested to appear and show cause why it should not be changed, but should parties, after being summoned, fail to appear, or fail to show a good cause for not changing the assessment, the mayor and councilmen shall proceed to equalize the value of said property from best information they can obtain.

Lien

Sec. 17. Be it further enacted, That the executions issued by said clerk for said taxes as hereinbefore provided, shall be a lien on all the property given in by the party against whom the execution was issued, and said lien shall be paramount to all mortgages, judgments and other liens, except the lien of the State for taxes, and no assessment of property or charges for taxes which shall be considered illegal on account of any irregularity of the tax list or digest on account of the same not having been made and returned within the time required by law, or on account of the property

having been listed without the proper name of the owner, and no error or informality in the proceeding of any officers connected with the assessment of the taxes, not affecting the substantial justice and rights of the tax payer, shall affect the proceeding herein provided for, and all such errors may, in the discretion of the mayor and councilmen, be corrected.

Sec. 18. Be it further enacted, That it shall be the duty of the mayor to preside at all meetings of the council and preserve order; he may call meetings of the council whenever he deems it necessary. The mayor shall hear and determine all cases of the breach or violation of the laws, by-laws or ordinances of the town, or may require one of the councilmen to attend to this as herein provided, and it will be his duty to hear and determine all causes involving a violation of the provisions of this charter. The police jurisdiction of said town is hereby extended so as to embrace all territory outside of the limits of said town in the State, within a mile of the boundary line of the corporate limits of said town, and within that limit said mayor shall have power and authority to try and punish, and said marshal shall have authority to arrest without warrant, any person guilty of a breach of the peace or of riotous or disorderly conduct, in the same manner and to the same extent as if said offense was committed within the corporate limits of the said town, and for any violation of the laws, by-laws and ordinances of said town, committed within its limits, the said marshal shall have power and authority to arrest any person within said police jurisdiction within one mile of said corporate limits, and bring him before the mayor of said town for trial in the same manner as if he was arrested within said corporate limits. The mayor of said town shall have, within the corporate limits of said town, all the powers and jurisdiction of a justice of the peace in civil and criminal cases, and be subject to all corresponding duties and responsibilities, and for his services in such cases he shall be allowed the same fees as are allowed by law to justices of the peace

Duties of
mayor

in said county; and his signature and acts as mayor in such cases shall be of equal force as if done by him expressly as justice; and from any judgment or decision of the mayor, sitting as a justice, the party desiring it may take an appeal or certiorari to the Circuit Court under the same rules governing appeals from Justice Courts: Provided, Said mayor shall not exercise the jurisdiction of a justice of the peace unless he executes a bond, as required from the justice of the peace.

Authority of
marshal

Sec. 19. Be it further enacted, That the marshal of said town shall have authority to execute the laws, by-laws and ordinances passed by mayor and councilmen of the town of Hartselle, to arrest without warrant all offenders against the peace and good order of the town, and all violators of the laws, by-laws and ordinances of the town, and carry them before the mayor, or confine them for safe keeping in the town guard house, or prison, until they can be brought before the mayor, and to take bail bond for their appearance; and if necessary he may call to his assistance any of the inhabitants of said town to enable him to make arrests; and person or persons refusing or neglecting to assist when called upon by the marshal shall be carried before the mayor for refusing to aid in making the arrest, and if found guilty, shall be punished by a fine not exceeding ten dollars, and, on failure to pay said fine, shall be imprisoned or put to hard labor not exceeding twenty days.

Mayor

Sec. 20. Be it further enacted, That the mayor is hereby constituted a peace officer with the power to quell all affrays, riots and difficulties in said town, and, if necessary, to summon any citizen to aid him in executing the power herein granted him, and any citizen refusing to aid him shall be punished as provided in Section 19 of this act.

Work on
streets

Sec. 21. Be it further enacted, That all persons residing within said corporate limits, liable to do road duty, shall be liable and are hereby required to work on the streets, sidewalks and alleys in said town, not exceeding ten days in any one year: Provided, That all such persons shall be exempt

from working on the streets, sidewalks and alleys, by paying such street tax as the corporate authorities may impose not exceeding five dollars for each year; provided further, that all persons in said corporate limits shall be exempt from road duty without said limits.

Sec. 22. Be it further enacted, That the intendant and councilmen of the town of Hartselle, and the other officers of said corporation now in office under the present charter of said town, shall remain in office until after the election in May, 1899, and until their successors are elected and qualified, unless removed as herein provided, and perform all duties as herein prescribed or required of them and all the by-laws and ordinances of said corporation are hereby continued in force, and said intendant and councilmen are hereby invested with full power and authority until said time to enact and put in force other ordinances and by-laws, or to amend or repeal those in force in such manner as is herein vested in the mayor and councilmen by the terms of this act. Present officers

Sec. 23. Be it further enacted, That it shall be the duty of the mayor and councilmen of said town to advertise all by-laws and ordinances by posting same in writing for five days in the city hall of said town. Advertising

Sec. 24. Be it further enacted, That all by-laws and ordinances heretofore adopted by the mayor and council of the town of Hartselle under any previous charter that are not inconsistent with the provisions of this charter and the laws, are hereby ratified and confirmed and shall continue in force until changed by said mayor and council under the provisions of this charter. Present laws

Sec. 25. All laws and parts of laws in conflict with the provisions of this charter, so far as the same relates to the town of Hartselle, in Morgan county, are hereby repealed. Repeal

Approved February 18th, 1899.

No. 542)

AN ACT

(H. 845

To authorize the City of Sheffield, Alabama, to issue bonds of said city to an amount not exceeding one hundred and twenty-five thousand dollars, for the purposes of paying or funding the bonded indebtedness of said city, and completing the public school building and city hall of said city.

Bond

Section 1. Be it enacted by the General Assembly of Alabama, That the city council of Sheffield be, and is, hereby authorized to issue coupon gold bonds of said City of Sheffield to an amount not exceeding one hundred and twenty-five thousand dollars, or as much thereof as may be necessary to pay off or fund its present bonded indebtedness, including any unpaid interest on said indebtedness, and completing the public school building and city hall of said city.

Signed by

Sec. 2. Be it further enacted, That the bonds and interest coupons authorized to be issued under the provisions of this act shall be payable in gold coin of the United States, of the present standard of fineness, and shall be of such denomination as said city may elect, not less than one hundred dollars nor more than one thousand dollars each, to be payable thirty years from the date of issue, bearing interest at a rate not exceeding six per cent. per annum, with interest coupons attached, payable semi-annually, at a place to be designated by said city council. Said bonds shall be signed by the mayor of said city and countersigned by the city clerk, and the coupons attached to said bonds shall have engraved thereon the signature of the mayor of said city.

Sale of

Sec. 3. Be it further enacted, That said city council is hereby authorized to sell any or all said bonds to the highest bidder for cash, but in no event shall said bonds be sold for less than ——— per cent. of their face value, or the said city council may exchange said

bonds for the present outstanding bonds of said City of Sheffield: Provided, The holders of said outstanding bonds will agree such exchange on the basis of dollar for dollar, including all past due interest. In the event of an exchange of said bonds as above authorized, the remainder of the bonds hereby authorized to be issued shall be sold by said city council upon the terms above set out, and the proceeds of same expended in the completion of the public school building and city hall of said city.

Use of proceeds

Sec. 4. Be it further enacted, That said city council of Sheffield is hereby authorized and empowered to do any and all things that may be necessary to carry out the powers herein granted, and no technical informality, irregularity, neglect or omission in the proceedings or record pertaining to the execution of said bonds, shall in anywise vitiate or annul said bonds or interest coupons, and said bonds and coupons shall have all the properties and protection of commercial paper, and at and after maturity thereof, they shall be receivable for all debts and dues to said city.

Authority and power of council

Sec. 5. Be it further enacted, That said city council of Sheffield is hereby authorized to execute a mortgage on said public school building to secure the principal and interest on the bonds issued under the provisions of this act and used in the completion of said public school building and in paying off or funding the bonds and interest coupons heretofore issued by said city for the erection of said school building. Said city council is hereby further authorized to execute a mortgage on said city hall to secure the principal and interest on the bonds issued under the provisions of this act, and used in the completion of said city hall and in paying off or funding the bonds and interest coupons heretofore issued by said city for the erection of said city hall.

Mortgages

Approved February 18th, 1899.

No. 543)

AN ACT

(H. 943)

To relieve conductors and engineers employed on passenger trains from jury duty in Dallas county.

Exempt from
jury duty

Section 1. Be it enacted by the General Assembly of Alabama, That conductors and engineers employed on passenger trains are hereby exempt from jury duty in Dallas county.

Approved February 17th, 1899.

No. 544)

AN ACT

(H. 863)

To better provide for the working and maintenance of the public roads in Chambers, Lamar, Lawrence, Lowndes, Clay and Cleburne Counties.

Road tax

Section 1. Be it enacted by the General Assembly of Alabama, That after the passage of this act any person subject to road duty in Chambers, Lamar, Lawrence, Lowndes, Clay and Cleburne counties, who shall, on or before the day he is first warned to work the road, in each year, pay to the overseer the sum of five dollars, shall be exempt from road service for the current year, and the sums so paid shall be placed by the overseer with the county treasurer who shall place said amounts to the credit of the road fund of the beat in which the person so paying resides, and shall be used and disbursed as provided for in this act. Said overseer shall pay to the county treasurer all funds coming into his hands, as provided in this act within fifteen days from receipt of the same; he shall also give to the county treasurer a list of the names of persons so paying him, with the amounts paid opposite their names, and said treasurer shall keep such lists on file in his office for inspection by tax payers and road hands.

Sec. 2. Be it further enacted, That any overseer in Chambers, Lamar, Lawrence, Lowndes, Clay and Cleburne counties who fails to comply with the provisions of Section 1 of this act shall be deemed guilty of a misdemeanor, and, upon conviction for each offense, shall be fined not less than twenty or more than fifty dollars. Penalty

Sec. 2½. Be it further enacted, That all fines accruing from the provisions of Section 2 of this act and fines for any and all violations of road law in force in Chambers, Lamar, Lawrence, Lowndes, Clay and Cleburne counties, be paid to the county treasurer, who shall keep and pay out the same as directed in Section 3 of this act. Fines

Sec. 3. Be it further enacted, That the county treasurer shall pay out of the road fund provided for in this act only to persons having a written order for the amount set out, signed by a majority of the road apportioners of their respective precincts, which order shall state specifically for what purpose the same is paid out, and the precinct to which it is to be charged. Said road fund shall only be used for the working and maintenance of the public roads in Chambers, Lamar, Lawrence, Lowndes, Clay and Cleburne counties; provided, however, that all debts contracted shall be based on and payable out of the fund belonging to the precinct so contracting for the current year; and, provided further, that no part of said fund shall be used for repair of bridges built and maintained by Commissioners Court by contract. County treasurer

Sec. 3½. Be it further enacted, That no overseer shall draw from said road fund provided for in this act except the amounts paid in by the road hands, apportioned to him. Funds overseer may draw

Sec. 4. Be it further enacted, That overseers shall dismiss from service on the road, any hand, who shall fail to do good and efficient work, or who shall hinder other hands, or who may be intoxicated, or who shall refuse to obey a reasonable order of the overseer, and shall proceed against said hand as though he had failed or refused to obey the notice to work the road. Dismissals

Days work Sec. 5. Be it further enacted, That a days work within the meaning of this act shall be nine hours of actual service.

Laws in force Sec. 6. Be it further enacted, That except as the same may be in conflict with this act, the general laws now in force in this State, in reference to roads and highways, shall be enforced in said counties, and that all laws in conflict with this act be, and the same are, hereby repealed; provided, however, nothing in this act shall be taken or construed in any way to alter, impair or abridge the power which the Court of County Commissioners of said counties now has to build, repair, and maintain bridges.

Approved February 18th, 1899.

No. 545)

AN ACT

(H. 887

To create a separate school district in Jackson County, Alabama, to be known as Section School District, and to define its boundaries and to provide for the maintenance of the same.

School district of Alabama Section 1. Be it enacted by the General Assembly That all of township 5, range 6, lying south of the Tennessee river in Jackson county, Alabama, be, and the same is, hereby made a separate school district, to be known as Section School District.

Superintendent Sec. 2. Be it further enacted, That to carry out the purposes of said school district, J. P. Stringer is hereby appointed superintendent of education of said school district, until the first Monday in August, 1903, at which time, and thereafter every two years, at the regular election of township trustees for this county, a superintendent of education for said school district shall be elected. In case the office of superintendent of education of the said district should, at any time become vacant, the State superintendent of education shall proceed to fill said vacancy for the unexpired term.

Election

Bond Sec. 3. Be it further enacted, That said superintendent of education of said district, and his successors in office shall, before entering upon the duties of said office, give a good and sufficient bond

of two thousand dollars (\$2,000.00), payable to said school district and fractional part of township 5, range 6, east, north of the Tennessee river, and conditioned to safely keep and to disburse according to law all money which may come into his hands, and for the successful management of the sixteenth section and supervision of the public schools of said district, which bond must be approved by the probate judge of Jackson county, and filed with him.

Sec. 4. Be it further enacted, That one public school is hereby permanently located at Pleasant Grove Academy in said district, and other public schools may be located in said school district: Provided, No public school shall be located nearer than three miles of said Pleasant Grove Academy in said district.

Location of
schools

Sec. 5. Be it further enacted, That the said superintendent of education of said school district, before locating public schools and employing teachers, shall call a meeting of the parents and guardians of the children of said school district within the educational age, with a view of subserving their wishes in reference to employing teachers, locating schools, granting transfers and transacting such other business as may rightfully come before them; and should there be more than one public school located and houses built and furnished for school purposes within said school district, then the superintendent of education of said school district shall set apart a definite sum for each and every quarter in which the schools are to be taught, and then contract to pay the teachers in proportion to their respective average daily attendance of pupils in school within the educational age: Provided, The average is not less than fifteen pupils. At the expiration of each and every quarter, each and every teacher must make out a report as is now prescribed by law, and submit it to the said superintendent of education of said district for payment according to contract.

Schools

Duties of
superintendent

Sec. 6. Be it further enacted, That when the township trustees of said fractional or remaining

Township
trustees

part of township 5, range 6, shall have made good and sufficient bonds for double the amount of the annual rents of said sixteenth section, they and the said superintendent of education of said district, who shall be equal to said trustees of said remaining part of township 5, range 6, in voice and power in all things pertaining to the renting and management of said sixteenth section, shall rent or lease the sixteenth section, with its ferry, lying in said school district, in such a way as to be the most profitable and beneficial to said district, and remaining portion of said township 5, range 6, but at least twenty days notice of the time and place, with the terms of the leasing or renting of the same, or any part thereof, shall be given by posting notices in the most public places in the neighborhood. All notes given for the rent of said sixteenth section, or any part thereof, and also the ferry shall be made payable to said superintendent of education of said school district, who shall collect the same and who shall have power to sue and be sued, and to control the disposition of all funds which may be raised for school purposes in said school district. Should said trustees of said fractional township 5, range 6, fail to make bond or act, then said superintendent of education of said district shall proceed to transact the entire business pertaining to the said sixteenth section in said district.

Poll tax fund

Sec. 7. Be it further enacted, That the poll tax funds arising from tax payers who live within said school district shall be and constitute the poll tax fund, to which said school district shall be entitled, and the officers whose duty it is to assess and collect said funds, shall make and keep the same funds separate, and report the same to the proper authority, in the same manner the poll tax funds of the various townships shall be kept.

Enumeration

Sec. 8. Be it further enacted, That said superintendent of education of said school district shall take an enumeration of all the children, both white and colored, male and female, between the ages of seven and twenty-one years, residing in said school

district, and the remaining part of township 5, range 6, and to make reports in duplicate of said district and said fractional township. Said reports shall be the basis of prorating the funds of the township to the school district and the remainder of said township 5, range 6.

Sec. 9. Be it further enacted, That the superintendent of education of said school district shall furnish the superintendent of education of Jackson county an annual report of the proportionate share of rental income due said remaining part of township 5, range 6, and he shall pay said proportionate share as soon as collected by him, and take receipts for the same. Annual
report

Sec. 10. Be it further enacted, That said superintendent of education of said school district shall make such annual reports as the county superintendent of education and the State superintendent of education may require of him. Reports

Sec. 11. Be it further enacted, That the present trustees of township 5, range 6, viz: Warwick Evans, H. T. Bill and D. C. Farmer, shall make a full and complete report to the said superintendent of education of said school district, showing all moneys collected and paid out as such trustees, and they shall turn over to the said superintendent of education of said school district all uncollected notes, contracts and all the money they may have on hand belonging to said township 5, range 6, and he shall receipt for the same. Present
trustees

Sec. 12. Be it further enacted, That said superintendent of education of said school district shall receive a commission of four per cent. for all money legally disbursed by him. Commission

Sec. 13. Be it further enacted, That said superintendent of education shall take the oath of office prescribed by law for officers of this State before entering upon the duties of his office. Oath

Sec. 14. Be it further enacted, That this act shall not go into effect until the first day of October, 1899. When act
goes into
effect

Sec. 15. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this Repeal

act be, and the same are, hereby repealed.
Approved February 18th, 1899.

No. 547) AN ACT (H. 964

To repeal an act entitled "An act to incorporate the
Town of Notasulga, in Macon County."

Repeal

Be it enacted by the General Assembly of Alabama, That Sections 1, 2, 3, 4, 5 and 6 of an act entitled "An act to incorporate the Town of Notasulga, in Macon county," approved February 7th, 1893, be, and the same are, hereby repealed.

Approved February 17th, 1899.

No. 548) AN ACT (H. 1067

To authorize Fletcher Driver, minor, heir of John F. Driver, deceased, under the age of eighteen years, to convey certain lands herein described in Clarke County, Alabama.

May sell and
convey

Section 1. Be it enacted by the General Assembly of Alabama, That Fletcher Driver, minor, heir of John F. Driver, deceased, under the age of eighteen years, be, and he is, hereby authorized to sell and convey the following described lands belonging to the estate of said decedent, to-wit: N.W. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 1, township 9, range 1, west, S.W. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of section 1, township 9, north, range 1, west, situated in Clarke county, Alabama, just as if said minor were of full age. This act shall be treated as a public act.

Approved February 17th, 1899.

No. 549)

AN ACT

(S. 181

To provide a charter for the Town of Fayette, in Fayette County, Alabama, and to ratify and confirm the incorporation of said town.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the Town of Fayette, formerly known as Latonia, in Fayette county, Alabama, shall be and continue a body politic and corporate by the name of Fayette; and by that name may sue and be sued, plead and be impleaded, grant, receive and do all other acts as natural persons, and may purchase and hold real, personal and mixed property, and dispose and manage the same for the benefit of said town, and may have and use a common seal, which may be broken or altered at pleasure.

Name

Rights

Sec. 2. Be it further enacted, That the corporate limits and boundaries of the Town of Fayette are hereby designated as follows: All places within one-half mile of the court house of Fayette county, Alabama, it being the intention of this act that this corporation shall consist of a circle one mile in diameter, with said court house as a center: Provided, It does not extend within the corporate limits of any other town. That the police jurisdiction of said town shall extend one mile in every direction from said court house: Provided, it shall not extend within the corporate limits of any other town.

Corporate
limits

Sec. 3. Be it further enacted, That the government of said town shall consist of a mayor and six councilmen, who shall be elected as hereinafter prescribed. The mayor and councilmen shall be elected on the fourth Monday in December, 1899, and biennially thereafter, by ballot, by the male inhabitants of said town, who are twenty-one years old, or upwards, who are citizens of the United States, who shall have resided in this State one year, in the County of Fayette three months, and in the corporate limits of the town of Fayette

Government

Elections

thirty days next immediately preceding such election, at which he offers to vote, and are qualified electors under the general election laws of Alabama, and are registered under the general election laws of Alabama. And should the election for any cause not take place on the day fixed, the corporation for that reason shall not be dissolved, and it shall be the duty of the mayor and councilmen to fix some day as early as convenient within thirty days thereafter, on which day the said election shall be held; and should the mayor and councilmen wilfully fail or neglect to provide for the election as herein directed, they shall each be guilty of a misdemeanor. In case of a vacancy from any cause, either in the office of mayor or councilmen, the vacancy shall be filled by election, by ballot, by the remaining members of the board, at its next regular meeting after such vacancy occurs. The present mayor and councilmen shall hold their office until their successors are elected and qualified.

Vacancies

Sec. 4. Be it further enacted, That the polls of said election shall be opened, and kept open, in the manner prescribed by laws governing elections for State officers in this State; and on closing the polls the inspectors shall proceed immediately to count the ballots, and the inspectors shall certify the result to the mayor and councilmen, who shall issue to each person elected a certificate of his having been duly elected. The mayor and councilmen shall appoint three persons who are qualified electors of said town, as inspectors of said election. The mayor and councilmen shall give ten days notice by publication in some newspaper published in said town, or by posting in three or more public places in said town, of the time and place of holding said election.

Polls

Sec. 5. Be it further enacted, That any election held under this act may be contested in the same manner as is or may be provided by the laws of this State for contesting an election of a probate judge and all the provisions of such laws in relation to contesting the election of a judge of probate shall,

Contests

so far as the same are or may be applicable, apply to contests of any election held under this act.

Sec. 6. Be it further enacted, That the ballots cast in any election shall be carefully sealed up in a box, and deposited with the clerk of the town, who shall preserve the same for thirty days, and if there be no contest, burn the same; bnt, if there be a contest, they shall be delivered to the clerk of the Circuit Court of Fayette county, who shall preserve the same till said contest is disposed of.

Sec. 7. Be it further enacted, That the oath of the inspectors shall be the same as that required of Election officers inspectors at a general election in Alabama, and the form of the ballot and manner of voting shall conform to the general election laws of said State. The inspectors shall receive one and 50-100 dollars per day, each, for their services. Said inspectors shall have power to appoint two clerks of election, who shall receive one dollar per day, each, for their services.

Sec. 8. Be it further enacted, That should there be a tie vote for any office, the mayor may cast the deciding vote for electing such officer. Tie

Sec. 9. Be it further enacted, That the councilmen shall elect one of their number mayor pro tem, who shall act instead and perform the duties of mayor in his absence, inability, or incapacity to act, and in case of the mayor's death, resignation or removal from the town, until his successor shall be elected and qualified. During such service he shall receive the fees and salary attaching to said office. Mayor pro-tem

Sec. 10. Be it further enacted, That any councilman may be deposed for misconduct in office, intemperance, or habitual neglect of his duty by a two-thirds vote of all members of the council, That the mayor may be removed for malfeasance in office, intemperance, or gross immoral conduct, misconduct in office, or for any conduct which incapacitates him from discharging his duties, by a two-thirds vote of the members of the council. The mayor or councillor shall have ten days notice in writing, with a copy of the charges against him, before being put on trial. Removals

Voters

Sec. 11. Be it further enacted, That no person shall hold the office of mayor or councilman who shall not have resided in said town for one year next preceding his election. A removal from the limits of the town vacates any town office.

Quorum

Sec. 12. Be it further enacted, That a majority of the mayor and councilmen shall be necessary to transact any corporate business, but as many as two may assemble at the regular place of meeting, and adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the board may prescribe; the board may determine the rules of its proceedings, and may fine its members for disorderly or unbecoming conduct.

Duties of
mayor

Sec. 13. Be it further enacted, That it shall be the duty of the mayor to perform all such duties as are or may be prescribed by the by-laws or ordinances of said town, and to take care that the laws and ordinances are faithfully executed; to lay before the board a full statement of the condition of affairs of the town, from time to time, and to recommend such measures as he may deem expedient, and he shall have power at all times to examine and inspect the books, records, and papers of any employee, agent, or officer of the town of Fayette, and shall have jurisdiction and power to try any person charged with a violation of the laws, by-laws or ordinances of the town, and shall have jurisdiction of all misdemeanors known to the laws of the State committed within the corporate limits or within one mile of the court house of said county, and not in any other corporation or town; the mayor shall be police magistrate of said town, and shall impose the prescribed penalties for violations of the laws, by-laws and ordinances of the town, but in no case shall he have power to impose a fine of more than one hundred dollars, or hard labor for more than thirty days. He shall have power to remit all fines; he shall have power to punish for contempt of Court by a fine not exceeding twenty-five dollars, and imprisonment not exceeding twelve hours, or both; and he shall have

Powers of
mayor

power to issue all writs necessary for the collection of fines, costs, or other matters of judgment rendered by said mayor. From any judgment or decision of said mayor in criminal or quasi criminal cases, an appeal may be taken by the defendant to the next term of the Circuit Court of Fayette county, upon the defendant entering into bond, payable to the Town of Fayette, with good and sufficient sureties, in such sum as the mayor may prescribe, and to be approved by him, to appear at the next term of the Court to which appeal is taken and from term to term thereafter until discharged by law, and to abide by and perform whatever sentence may be adjudged against him, and such cause shall be placed on the criminal side of the docket, and the circuit solicitor shall prosecute such appeal case as in State cases. And if defendant be convicted, he may be punished the same as if tried before the mayor, that is, by the same amount of fines or imprisonment. And if the fine be not paid or secured, or if hard labor or imprisonment be imposed, defendant shall be remanded to the town prison, there to remain until discharged, as provided by the ordinances of the town upon conviction by the mayor. And in all cases where defendants have given bond, and fail to appear at the time, bonds shall be declared forfeited; and judgment shall be rendered thereon against the defendant and sureties as in State cases, except that the judgment shall be in favor of the Town of Fayette. All appeals shall be taken within five days from the rendition of judgment. The mayor shall have jurisdiction of all proceedings by motion, scire facias, instituted for the collection of any fund or bond payable to the Town of Fayette, taken under this act, or under the ordinances of the town passed in pursuance of this act; and from judgment rendered in such proceedings, execution thereon may issue, and be enforced as execution from magistrate's court. He shall have the right, when the good and safety of the Town of Fayette may require it, to demand the aid of the sheriff of Fayette county, and his posse; he shall have

Powers of
mayor

power to suspend the marshal or any policeman until the next regular term or meeting of the board, and shall report to such meeting the fact of such suspension and its cause, and he may compel the attendance of witnesses in his Court by finding them not exceeding twenty dollars, to be enforced as other fines are enforced, if they fail to appear and testify before him after being duly summoned.

Docket

Sec. 14. Be it further enacted, That the mayor shall keep a docket similar to the trial docket required for Circuit Courts, which shall be similarly kept with dates of issuance and delivery of original and other process, the return thereon, and the orders and judgments of the Court shall be kept in a separate book, and the books shall be indexed, direct and reverse. And the said docket, minutes and index shall be open for public inspection, under such rules as the board may prescribe.

Town officers

Sec. 15. Be it further enacted, That the board shall appoint a clerk, and may appoint a treasurer, tax assessor, tax collector, marshal, city attorney and such other officers as they see fit, and think necessary for the good government of the town, and shall prescribe the duties of such officers, and their liabilities, powers and pay. The marshal or clerk may be appointed tax collector or tax assessor, or both. Before entering on their duties, the mayor, marshal, tax collector, tax assessor and treasurer shall give bond, with two or more sufficient sureties, for the faithful discharge of their duties in such sums as the board may prescribe, and such bonds are to be approved by the board. The board may discharge or remove such officers at pleasure, the mayor excepted. For any breach of the bond of such officers, suit may be brought and recovery had before any Court having jurisdiction, and such suits shall be governed in the same manner as other like suits. The officers provided for in this section shall be appointed at the first regular meeting of the newly elected board, or as soon thereafter as practicable.

Sec. 16. Be it further enacted, That the salary of the mayor, clerk, and marshal shall be fixed by the board, but the salary of the mayor shall not be more than one hundred dollars, that of the marshal not more than five hundred dollars, and that of the clerk not more than fifty dollars per annum. The treasurer shall receive not more than five per cent. commissions on all disbursements, the tax collector shall receive not more than five per cent. of the taxes collected, and the tax assessor shall receive not more than five per cent. of the assessed taxes; the salaries of those officers who receive salaries to be paid monthly or yearly or at stated times, shall not be increased or diminished during the term of any officer.

Salaries

Sec. 17. Be it further enacted, That it shall be the duty of the town attorney to represent the town in all causes, criminal and civil, which may arise in the Mayor's Court of the town, to advise the town officers in the discharge of their duty when requested by the mayor, in writing, and to advise the council at its meetings where he shall be present at all times, to draw up all ordinances submitted to him by the mayor and board of councilmen. He shall receive for his pay the sum of two and 50-100 dollars for every criminal conviction in which he does not refuse to appear, and it is his duty to appear in each one, in said Mayor's Court, which shall be taxed up against the defendant as part of the costs, and to be collected as the fines are collected, and paid into the town treasury, and the treasurer shall pay over to him at the end of each month the fees earned by him during said month, whether collected or not. If it is necessary to have the town represented in other Courts, or in any matters out of the ordinary municipal business, said attorney shall receive a reasonable fee therefor, to be determined by said board. At the end of each month such attorney shall make out an itemized statement of the convictions for such month, sworn to the same before some authorized officer, swear to the same before some authorized officer, authorized to administer oaths, and shall file the

Duties of
attorney

same with the town treasurer, which shall be said treasurer's voucher for the payment by him to said attorney of his said fees.

Sec. 18. Be it further enacted, That the town council shall keep a record of all the proceedings, orders, regulations and ordinances of the board, which shall be read to the board, and signed by the mayor, or acting mayor, and the same shall be of the force and effect of a record, and a copy thereof, duly certified by the clerk, shall be prima facie evidence in any Court of record or elsewhere, and said records shall at all times be open to public inspection.

Powers of
marshal

Sec. 19. Be it further enacted, That the marshal shall have in the town and its police jurisdiction, all the powers of a constable, and shall be entitled to all the fees of such officer when acting as constable; he shall possess in said town all the powers of a peace officer; he shall execute the orders, notices and processes of the board and of the mayor, and may arrest without warrant for all violations of town ordinances, and he shall perform such other and further duties as the board may prescribe. And the board may elect a deputy marshal, who shall be subject to all the laws as the marshal and who shall receive compensation as the board may prescribe.

Powers

Sec. 20. Be it further enacted, That the mayor and councilmen of said town shall have power and authority: 1. To make and adopt by-laws and ordinances, in whatever manner and upon whatever subjects, to carry out the powers herein granted, and for the good government and order of the town and its police jurisdiction as they may think proper; and generally, and in addition to the powers herein specifically enumerated, which are no limitation upon the powers included in this general grant of powers, to ordain and pass such ordinances and by-laws not inconsistent with the laws of this State as shall be needful for the government, police interest, welfare and good order of the town, and its police jurisdiction, and to affix thereto such penalties for the violation of the same, by

Powers

fine not exceeding one hundred dollars and by imprisonment or hard labor for the town not exceeding thirty days; and all persons convicted of any breach of the by-laws or ordinances of the town failing to pay or secure such fine may be imprisoned for such failure, or placed at hard labor for the town until such fines and costs are paid, in such manner as the board may direct, not exceeding thirty days: Provided, Any person may have the right to give bond with two good and sufficient sureties, to be approved by the mayor, to pay such fine and costs within ninety days from the judgment imposing the same, but if after such bond and security are given such fine and costs be not paid within ninety days, execution to collect the same may be issued by the mayor against the obligors on said bond. The board may pass all such laws as are needful to compel persons to work on the streets and alleys in said town, or elsewhere in said town, who refuse to work when under the mayor's sentence for violating any town ordinance or by-law; but no female must be punished by subjecting her to work on the streets. 2. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said town, and to preserve the health thereof; to establish and regulate quarantine in said town, and within five miles thereof, and to punish any breach of quarantine. 3. To prevent and remove all nuisances at the expense of the owner of the property, or when the same is in possession of another than the owner, then, at the expense of the person in possession of the premises; to remove all decayed and dilapidated walls, houses and structures calculated to produce disease, or dangerous and unfit for habitation, or dangerous to the public, at the expense of the owner of the same, when the owner fails or refuses for five days after notice shall have been given him, in writing, by the mayor, to remove, or renovate, or repair such walls, houses or structures, as the case may be. 4. To establish, set up and regulate a hospital, and a workhouse

Powers

or house of correction. 5. To license, tax, regulate or restrain theatrical or other amusements; to license and regulate the selling, retailing, or giving away of spirituous, vinous or malt liquors or beverages of any intoxicating liquors, bitters or beverages, and to provide for annulling and revoking such licenses on good cause being shown; to close up any liquor establishment for such time as they deem necessary. 6. To restrain or prohibit gambling, gaming houses, houses of ill-fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize fighting, cock fighting, disorderly houses, and any thing else hurtful to the good order and morals of society, and all crimes defined by the Code of Alabama, may be punished, or the guilty persons arrested and placed under bond or committed to jail. 7. To appoint and regulate day and night watchmen, and police. 8. To divide the town into wards, and to regulate and to change the same. 9. To establish and control markets, market houses, and to pass by-laws for the sale of meats, vegetables, within certain places and within certain hours. 10. To make all needful provisions to supply the town with water and lights, and to control street lamps. 11. To open all streets and alleys, designated on the plat hereto attached as a part of this act, and to locate and open streets and alleys in any addition to said town, or in any part of the said town where the same have not been laid out, designated, or dedicated, in the exercise of its rights of eminent domain, which is hereby granted, and to regulate such streets and alleys or any part thereof; to establish avenues, pavements and sidewalks, and curbs, and grade and regulate them. 12. To establish and build drains and sewers, aqueducts and reservoirs, and to regulate the same. 13. To establish, lay out, regulate and locate public parks. 14. To establish fire limits, and to pass all laws necessary for the protection of said town against fire, and for this purpose may remove any wooden building that has become dangerous. 15. To compel all male citizens of said town between the ages of

eighteen years and forty-five years to work the streets of said town for not more than ten days in any year, and to provide for the payment of a street tax in lieu of said working, not to exceed three dollars per annum; and to pass all ordinances necessary to carry this provision into effect; and the citizens of said town shall be exempt from public road duty. 16. To lay out, regulate and control a town cemetery or burial grounds and to sell lots in the same. 17. To regulate or prevent the running at large on the streets of all dogs, cows, hogs, horses, or other animals, and to pass all laws in the judgment of the board necessary for the impounding and sale of said animals on proper notice to owner thereof. 18. To regulate and control the running of cars on or across the streets, avenues or alleys of said town, and to control the speed of such cars or locomotives in said town. 19. To pass all necessary laws for the arrest, with or without warrant, of all offenders against the town ordinances or State laws; and to confine such persons until tried, convicted, or discharged. 20. To pass all laws and ordinances in relation to auctioneers plying their vocations on the streets, and to prohibit or regulate the same, and to regulate pawnbrokers. 21. To make and ordain necessary laws concerning idle tramps, paupers, prostitutes, gamblers, disorderly or vicious persons, in correcting or restraining their vicious or immoral habits, and to compel such persons to give bond and security, to be approved by the mayor, for their good behavior for a reasonable time, or on their failure or refusal to give the same, for their condemnation to hard labor for the town, or imprisonment not exceeding thirty days. 22. To punish all persons who obstruct the marshal or other officer in the arrest of any person in the police jurisdiction of said town, or in the lawful discharge of any duty, and to punish any persons who, when called upon by the marshal or other officer to assist in arresting any person, fail or refuse to give aid. 23. To regulate the keeping and storage of gunpowder, or other dangerous material, guano, or

other commercial fertilizer within said town. 24. To supply the town with pure water; and build drains and sewers. 25. To grant right-of-way to telephone, and other companies, on the streets of said town. 26. To punish injury to the sidewalks and trees, and to private and town property. 27. To license and regulate auctioneers, grocers, merchants, retailers, brokers, coffee houses, confectioners, barbers, butchers, peddlers, taverns, dentists, livery stable keepers, for the privileges carried on within the police jurisdiction of the town; and also to regulate, tax and license all machinery, carriages, carts, wagons, within the police jurisdiction of said town: Provided, That the maximum amount of license so imposed on any business, trade, or profession, shall not exceed the following: (1) Architects or superintendent of buildings, \$10.00. (2) Auctioneers, \$25.00 each. (3) Bankers, \$10.00. (4) Banks, and bank agents and dealers in exchange, \$50.00. (5) Bill posters, each, \$5.00. (6) Billiard or pool tables, each, \$25.00. (7) Bowling alleys, each, \$20.00. (8) Buggies, wagons and carriages, not manufactured in the town, each, \$10.00. (9) Building and loan associations, each, \$10.00. (10) Brick yards, or dealers in brick, \$7.50. (11) Brewers, or agents for same, \$20.00. (12) Cane, knife, board or striking machine, or device of like kind, \$20.00. (13) Candy manufacturers, each, \$7.50. (14) Cabinetmakers, or proprietors of wood or blacksmith shops, employing labor, each, \$7.50. (15) Carts, drays or wagons, two horses, each, \$10.00; one horse, \$5.00. (16) Circus, each performance or parade on the streets: Provided, That no more than seventy-five cents for adults, and 25 cents for children under ten years of age, shall be charged; and, provided further, that they have tickets on sale at least one hour before the performance begins; and, provided further, that no more than 20 cents extra shall be charged for reserved seats, \$75.00. (17) Confectioners, each person or firm where confectionery is the principal stock in trade, \$10.00. (18) Contractors, each person or firm employing one or more journeymen, or sub-letting con

Licenses

Licenses

tracts, \$15.00. (19) Cotton buyers or brokers, not including merchants who pay merchandise tax, ten dollars for each individual or firm, or member of firm. (20) Commission merchants or brokers, whether by sample or otherwise (except commercial travelers), \$10.00. (21) Concerts, musical entertainments not otherwise provided for, or when charges are made for admission, or for the use of any instrument or device, or for the participation in any exercise or entertainment not given for charitable, religious or school purposes, each performance, \$5.00. (22) Coal dealers, including those who buy or haul coal into the town, \$7.50 each. (23) Cotton gins, dealers in and agents for same, \$7.50 each. (24) Druggists and apothecaries, each, \$15.00. (25) Drover, or dealer in horses and mules, other than liverymen, each, \$20.00. (26) Exhibitions of legerdemain or sleight of hand, or other exhibition of like kind, \$7.50 each. (27) Express companies engaged in the business of carrying express matter from Fayette to other points in Alabama, and from other points in Alabama to Fayette, \$25.00. (28) Dealers in commercial fertilizers, \$15.00. (29) Dealers in second-hand clothing, each, \$10.00. (30) Hucksters and basket peddlers, not selling within 50 feet of regular stores, \$5.00. (31) Hotels, each, \$10.00. (32) Insurance agents, life or fire, for each person or firm, \$7.50. (33) Itinerant traders, by sample or otherwise, \$7.50. (34) Itinerant traders in fruit trees, vines, shrubs, or plants of any kind, within the police jurisdiction of the town of Fayette, for each agent or trader, \$15.00. (35) Junk dealers or dealers in hides, when principal stock in trade, \$5.00. (36) Job printing office, \$10.00. (37) Lunch stand, not in connection with restaurant or barroom, \$2.50. (38) Lawyers, physicians and dentists, practicing within the police jurisdiction of Fayette, \$5.00. (39) Laundry, or agents for, each, \$5.00. (40) Lightning rod agents, each, \$25.00. (41) Livery stables, each, \$30.00. (42) Loan associations or companies, or agents of the same, \$7.50. (43) Lumber dealers, each, \$10.00. (44) Liquor, retail dealers in spirituous, vinous or malt liquors, when

Licenses

the business is conducted under one roof and without a partition dividing the saloon into two apartments, \$1000.00; if the saloon be divided by a partition into two apartments, each apartment shall be considered a separate saloon, and charged for as such. (45) Wholesale dealers in vinous, spirituous or malt liquors, each, \$500.00. (46) Wholesale dealers in malt liquors, each, \$40.00. (47) Merchant tailors, or agents of the same, each, \$10.00. (48) Millinery establishments, whether separate or in connection with other business, \$10.00. (49) Mills, each person or firm operating a grist or flour mill, or both under same roof, \$10.00. (50) Menagerie or museum in connection with a circus, \$20.00. (51) Newspaper offices, \$10.00. (52) Oils, each wholesale agent or dealer, \$10.00. (53) Pawnbroker, or pawnbrokers agent, \$25.00 each. (54) Peddlers on foot, each, \$10.00. (55) Peddlers, one horse, each, \$15.00. (56) Peddlers, two horses, each, \$25.00. (57) Peddlers, basket, or other than country produce, \$10.00. (58) Pistols, pistol cartridges, bowie knives, dirk knives, whether principal stock in trade or not, \$50.00. (59) Dealers in playing cards, \$5.00. (60) Public weighers, each, \$5.00. (61) Public halls, each, \$5.00. (62) Photograph and art galleries, or art studios, whether in tent or house, \$7.50. (63) Private boarding houses, \$7.50. (64) Railroad commissary or "grub" car, whether run by railroad or individuals, for each car used in selling goods within the police jurisdiction of town, \$75.00. (65) Each company having an office in, or running in, or into the town, for the business of transporting freight and passengers from Fayette to other points in Alabama, and from other points in Alabama to Fayette, \$50.00. (66) Restaurants, oyster stands or oyster counters, and eating houses, \$7.50. (67) Saw mills, each, \$10.00. (68) Sewing machine companies, selling directly or by agents or dealers in sewing machines, each, \$10.00. (69) Side-shows, accompanying circus, menagerie or museum, \$10.00. (70) Skating rinks, each, \$10.00. (71) Shooting galleries, \$10.00. (72) Telegraph companies commercially engaged in Fayette, and send-

Licenses

ing messages from the town of Fayette to any point in Alabama, and from points in Alabama to Fayette, \$25.00. (73) Telephone exchanges, each, \$25.00. (74) Transient physicians or vendors in patent medicines, or compounds, sold as medicines; spectacles or eyeglasses, by sample or otherwise, \$25.00; when accompanied by music, \$50.00. (75) Undertakers, or dealers in coffins, caskets, each person or firm, \$20.00, whether as part of another business or as separate business. (76) Water company, \$50.00. (77) Warehouses, each, \$25.00. (78) Watchmakers and jewelers doing business for themselves, \$7.50. (79) Keeping stud horses or jacks within police jurisdiction, each, \$7.50. (80) Each person engaged in buying or selling futures, or commodities on commission, \$50.00. (81) Each stove, range, or clock company, selling stoves, ranges or clocks; either themselves or by their agents (provided this shall not apply to merchants doing a general business, who keep said articles in stock) \$25.00. (82) Dealers in green meats outside of markets, per annum, \$10.00. (83) Each person or firm engaged in merchandising, \$40.00. (84) To levy and collect from all persons, firms or corporations trading or carrying on any business, trade or profession, by agent or otherwise, within any part of the territory covered by the police power and jurisdiction of the town of Fayette, a license tax, which shall be fixed and declared by ordinance: Provided, That in assessing this license tax, regard shall be had to the stock in trade, and amount of business done by all persons against whom said license is assessed. (85) The corporate authorities may also, by ordinance, impose such fines and penalties within the limitations of this act, as they may deem advisable for the doing of any business or carrying on any trade, or exceeding any privilege or practicing any profession, by any party who shall fail to take out such license as may be required by the corporate authorities: Provided, That no tax shall, under any circumstances, be levied against persons selling country produce, fowls, live stock or meats of any kind, grown or raised by such persons.

Taxes

Sec. 21. Be it further enacted, That all taxes levied and assessed in and for this town, shall be due and become payable on the first day of October in each year, and shall become delinquent on the first day of January in each year, and if not paid by January 1st, shall bear 8 per cent. interest thereafter until paid; thirty days after which last named date the same may be enforced by levy and sale as hereinafter specified. If said taxes are not paid on or before 30 days after the first day of January in each year, then the tax collector shall proceed to make a levy on sufficient property subject to said tax to pay said taxes assessed against the same, with 8 per cent. interest from January 1st., and sell the same to pay said tax, in the manner hereinafter provided.

Taxes

Sec. 22. Be it further enacted, That the said mayor and council shall have full power and authority to levy and collect taxes on all real and personal estate taxed by the General Assembly of this State, not exceeding one-half of one per cent. of the assessed value thereof; that the said tax upon the real and personal estate shall be laid in accordance with the assessment and valuation of said real and personal property as assessed for State taxation during the preceding year; the town tax assessor shall make the assessment on or before the first Monday in July of each year, which book shall conform as near as may be to the book required by law to be kept by the tax assessor for Fayette county, Alabama; and this book must be lodged with the clerk or mayor on or before the second Monday in July of each year. And the mayor and council shall then make the assessment, not to exceed one-half of one per cent., as aforesaid, by a resolution, which must be entered on the minutes. The book, if found correct, shall be approved by the mayor and council, and so endorsed. The book shall then be delivered by the mayor or clerk to the tax assessor, who shall at once place on his book of assessment the amount of the personal property tax, and the amount of the real property tax, and the amount of the street

tax, and the total of the three, and shall then deliver the book to the town clerk, who shall make an alphabetical list of the persons against whom said assessment is made, and place opposite his or her name the said total amount of the tax payable by him or her, and then return the book to a regular meeting of the board in September, and the board shall inspect said book, and if found correct, it shall be so endorsed by the mayor and clerk. The clerk shall then return the said alphabetical copy and totals of taxes before the first day of October in each year to the town tax collector, and the same shall be open at all proper times. The clerk shall keep the assessment book open for inspection of any and all tax payers or officers of said town at all reasonable times.

Sec. 23. Be it further enacted, That said assessor shall also keep and enter, before the first Monday in July of each year, in said assessment, the names of all persons liable to street tax in said town. Street tax

Sec. 24. Be it further enacted, That on the first Monday in July of each year, or as soon thereafter as practicable, the said mayor and council shall proceed to levy and assess the taxes for the current year, as above provided. Levy and assess

Sec. 25. Be it further enacted, That the taxes levied under this act shall have the force and effect of a judgment at law against the persons assessed therewith, and for all taxes, the town of Fayette shall have a preferred lien over all incumbrances and security whatsoever, except State and county taxes, and the aforesaid taxes shall be a lien upon the real and personal estate of such person within said town from the first day of January preceding said first day of October of each year, or if brought therein after that time, the lien shall attach from the time it was brought into said town. Taxes a lien

Sec. 26. Be it further enacted, That the tax collector shall make monthly settlements with the town treasurer, and pay over the taxes on hand at such settlement. If for any cause the tax collector is not able to collect any of the taxes, or fails to Duties of tax collector

collect, he shall so state, with his reasons for failure, in a written report to the mayor on the first Monday in April of each year, and the mayor and board shall, after giving the collector ten days notice in writing, pass on his excuses, and if his excuses be acceptable they may excuse him; if not, said collector and his bondsmen shall be liable for the tax not collected, and his bond shall be forfeited thereby.

Tax sales

Sec. 27. Be it further enacted, That thirty days after the first day of January in each year, the tax collector, when taxes are unpaid must levy upon and seize any property of the delinquent tax payer, first seizing personal property, and the said personal property shall be sold after posting a notice of said sale at the courthouse door in said town, and another at the door of the postoffice in said town; failure to levy on personal property first shall not vitiate the sale of real estate of such delinquent for taxes and costs and interests. No property shall be exempt from levy and sale for said taxes, interests and costs. No personal property so sold shall be subject to redemption.

Errors

Sec. 28. Be it further enacted, That if any complaints of errors in assessments or amounts of taxes are made to collector, he may examine books, and collect amount he thinks due, if satisfied there is a mistake, make a note of it in stub book; and report the matter to treasurer, when he makes his monthly report, and the board shall examine into the matter, and allow said correction, if there was a mistake, and the act of the collector is prima facie evidence of a mistake. If collector does not correct, the tax payer must pay whole amount, and, in writing, appeal to the mayor and council at its next regular meeting, who shall pass on his said appeal.

Escaped taxes

Sec. 29. Be it further enacted, That the tax collector shall have power, and it is his duty, to report to the next regular meeting of the board any escaped taxes, who shall make the proper assessment and deliver the amounts to the collector, who shall collect the same, and this shall be entered in a supplement.

Sec. 30. Be it further enacted, That it shall be the duty of the tax collector to proceed to collect any taxes due, by garnishment proceedings, whenever, in his judgment, such process is necessary. The tax collector shall make the required affidavit. Notice must be served on the delinquent also, of said proceedings, five days before the trial. If the delinquent cannot be found, a notice to him to defend, giving time and place, must be posted at the courthouse door for ten days before trial.

Garnishment

Sec. 31. Be it further enacted, That whenever the tax collector has good reason to believe that any person owing taxes is about to remove out of the town, or remove his property out of the town, and thereby endanger the collection of the taxes due from him, he must make out a bill for the amount of such taxes against such person, and certify it to the mayor, and upon the approval by the mayor thereof, endorsed in writing thereon, such writ shall operate as a fieri facias, which the collector is authorized to execute in the same manner as sheriffs are authorized to execute and sell under such writs when issued out of the Circuit Court, and on failure of such collector to act in such cases, he shall be liable for the taxes against such person.

When person
owing taxes
is about to
remove

Sec. 32. Be it further enacted, That when real estate is levied on for sale for taxes, notice of the sale shall be given 20 days before the sale in some newspaper published in the town of Fayette, and if there be no such paper published in said town, then by posting a notice at the courthouse door in said town, and the property shall be described so as clearly to indicate the land to be sold, and the sale shall be in front of the courthouse door in said town of Fayette. For good cause, said sale may be continued.

Notice of sale

Sec. 33. Be it further enacted, That the tax collector shall attend sales of property for taxes, and, in default of other good and sufficient bids, shall bid off said property for the town of Fayette, and said town shall have a certificate of purchase of all real estate so bid off, and be invested with the title to said property, subject to redemption hereinafter provided.

Duty of
collector

Certificate of
purchase

Right to
redeem

Tax deed

Sec. 34. Be it further enacted, That whenever any real estate is sold for taxes, interest and costs, the tax collector shall give the purchaser a certificate of said purchase, showing amount bid, amount of taxes, interest and charges, date of sale, and any other necessary matters; said certificate shall be prima facie evidence of the regularity of all previous proceedings, and of the facts therein stated. Any real estate sold under this act may be redeemed by the owner or any person interested therein, within two years of said sale, by paying to the town of Fayette the amount of purchase money, all subsequent taxes and costs that may have been paid by the purchaser, and interest at the rate of ten per cent. per annum, and shall receive a certificate of redemption therefor. The tax collector shall pay over all purchase money to the treasurer, and shall keep a record of his sales, and of all purchases, redemptions and other matters relating thereto, and when the purchaser shall demand of the treasurer the amount of the money paid on such redemption, he shall pay to him so much as he paid, with ten per cent. interest, and such purchaser must, at the same time, surrender his certificate of purchase. The tax collector shall give the person redeeming a certificate of redemption, setting forth the facts. After the expiration of two years from the date of sale, the tax collector then in office, on application of the holder of the certificate of purchase, shall make a deed to the property to said purchaser, on the return of the certificate of purchase, payment of all subsequent taxes, and one dollar for the deed. Such deed shall be made and signed officially by the tax collector, and when delivered, properly acknowledged, shall vest in the grantee all rights, titles and estates of former owners. Such deed shall be prima facie evidence in all the Courts in this State, in all controversies and suits in relation to the rights of the grantee therein, and the land conveyed, of the facts recited in such deed, of the regularity of all proceedings in assessment or sale of such property required by this act, and of the title to the grantee, his heirs and assigns.

Sec. 35. Be it further enacted, That no ordinance shall become valid unless the same shall be read at not less than two different meetings of the board, and shall not be passed or go into effect until passed at a second reading: Provided, That by unanimous vote of all the council of said town, an ordinance may be read twice at one meeting, and if then passed, as hereinbefore provided, the same shall be valid as other ordinances and resolutions. All ordinances shall go into effect three days after publication in some newspaper published in said town, or three days after posting at the courthouse door and three other public places in said town.

Ordinances

Sec. 36. Be it further enacted, That the mayor may vote on any business coming before the said mayor and board, only in case of a tie: Provided, Said mayor shall have the right to veto any motion, resolution or ordinance, and when so vetoed, it shall require a vote of at least four of the councilmen to pass the same over his veto, and without said vote of at least four, the said motion, resolution or ordinance shall not be valid or binding.

Sec. 37. Be it further enacted, That the treasurer of said town shall prepare semi-annually, in the months of June and December, an itemized statement, showing the receipts and disbursements of the town government, and shall publish the same in some newspaper published in said town, or post at the court house door and two other public places in said town, for the full period of one week.

Sec. 38. Be it further enacted, That for any breach of the bond hereinbefore provided for town officials, any tax payer may bring suit in the name of said town, or himself, for the use of said town, and the amount of the recovery in such suit, after paying the expenses thereof, shall be paid into the town treasury: Provided, The mayor and board may also bring said suit in such cases in the name of the town, and the recovery shall in like manner be paid into the town treasury.

Suit on bonds

Sec. 39. Be it further enacted, That it shall be the duty of the mayor, with the advice and consent of two-thirds of the board, to appoint a committee

Committee to
examine
books

of three—two, at least, of whom shall not be members of the existing or last preceding board—to examine the books of the former officers, and report thereon. This appointment shall be made by the mayor biennially, at the first meeting of the board after its election. The persons so appointed shall be men with sufficient clerical knowledge to intelligently examine and report on said books.

Penalty on
mayor

Sec. 40. Be it further enacted, That the failure of the mayor to perform the duty cast on him by Section 39 of this act, shall be a misdemeanor, for which the town attorney must prepare a charge, and, in case of conviction by the mayor pro tem., the said mayor shall be fined not less than ten dollars nor more than fifty dollars, and, on a two-thirds vote of the council, shall be removed from office.

Penalty on
treasurer

Sec. 41. Be it further enacted, That for a failure of the treasurer to perform the duty cast on him by Section 37 of this act, he shall be tried, and, if found guilty, must be fined not less than ten, nor more than fifty dollars, and must be removed from office of treasurer, unless an affirmative resolution of two-thirds of the board excuses him. It shall be the duty of, and the town attorney must prepare the charge against said treasurer and conduct the prosecution thereof.

Penalty on
mayor

Sec. 42. Be it further enacted, That on a failure of the mayor to perform the duties cast on him by Section 39 of this act, and of the treasurer to perform the duties cast on him by Section 37 of this act, the board must appoint a suitable committee to perform the duties of the committee, the mayor should have appointed, and said board shall make and publish the statement the treasurer should have made and published.

Councilman
may appeal

Sec. 43. Be it further enacted, That from any ruling of the mayor or mayor pro tem., a member of the council, may appeal and may himself put his appeal, and if three other members sustain his appeal, it shall be valid, and the mayor must obey the wish of the board as so manifested. A failure or refusal of

said mayor to obey the mandate of the board, as expressed on said appeal, is a misfeasance in office, for which, at the next regular meeting of said board, he must be tried by said board, and if found guilty, they must pass a resolution removing him from office. A vote of not less than four of the board is necessary to convict and remove the mayor under this section. Removal

Sec. 44. Be it further enacted, That the mayor and treasurer shall have a copy of the charges against them under Sections 37, 39, 41 and 43 served on either, as the case may be, by the marshal, not less than three days before the time of trial. Copy of charges

Sec. 45. Be it further enacted, That the streets of said town are shown by the plat hereto attached and made part of this act, and none other. Streets

Sec. 46. Be it further enacted, That the laws heretofore enacted and legally advertised, and the by-laws of said town, so passed and advertised, so far as they do not conflict with this act, are hereby ratified and continued in force. Present laws

Sec. 47. Be it further enacted, That the style of ordinances of said town shall be "Be it ordained by the mayor and council of the town of Fayette." Ordinances

Sec. 48. Be it further enacted, That this act shall go into effect on the day of its passage, except as to the election of officers. The first election of officers, mayor and council, under this act, shall take place on the fourth Monday in December 1899, and every fourth Monday in December thereafter, biennially, an election shall be held for officers, as herein provided, and the mayor and council so elected shall take office on the first day of January following each election: Provided, That the terms of the present mayor and council are extended, each of them, until the first Monday in January, 1900. When act goes in effect Election

Sec. 49. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed. Present Officers Repeal

Approved February 20th, 1899.

No. 551)

AN ACT

(S. 455)

To amend Section 1 of an act entitled "An act to authorize the intendant and councilmen in the Town of Oakman, Walker County, Alabama, to issue bonds of said town for an amount not exceeding five thousand (5000) dollars, for the purpose of building, equipping, furnishing and procuring suitable school buildings for the use of the residents of said town," approved December 8th, 1898.

Section 1
amended

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of an act entitled "An act to authorize the intendant and councilmen of the town of Oakman, in Walker county, Alabama, to issue bonds of said town for an amount not exceeding five thousand (5000) dollars, for the purpose of building, equipping, furnishing and procuring suitable school buildings for the use of the residents of said town," approved December 8th, 1898, be amended so as to read as follows: "Section 1. Be it enacted by the General Assembly of Alabama, That the board of intendant and councilmen of the town of Oakman, in Walker county, Alabama, is hereby authorized to issue bonds of said town, to be designated as Oakman School Bonds, to an amount not exceeding five thousand (5000) dollars, or so much thereof as is necessary for the purpose hereinafter named, in denominations of not less than five hundred (500) dollars each, and from number one to ten, both inclusive, payable twenty years from date of issuance and bearing interest at a rate not exceeding six per cent. per annum, with interest coupons attached, payable to bearer on first days of January and July after the issuance. Said bonds shall be payable in gold at any bank or banking house that the board of education may direct."

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 18th, 1899.

No. 554)

AN ACT

(H. 946)

To confirm the incorporation of the Town of Highland Park, in the County of Montgomery, and to define the boundaries thereof, and to enlarge and define the corporate powers of said town.

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the town of Highland Park, in the County of Montgomery, heretofore had in the Court of Probate of said county by proceedings had under the general law, within the limits hereinafter defined, be, and the same is, hereby ratified and confirmed, and the corporate existence of said town remains and continues, subject to the provisions of this act, and with all the powers herein and hereby conferred, in place of the powers conferred by the general law. The corporate limits of said town are defined and shall be as follows: Beginning at the witness stone at the northeast corner of Section 17, Township 16, Range 18, thence in a westerly direction along north side of section line of Section 17, Township 16, Range 18, to west side of Cedar street; thence in a southerly direction to north side of Lake street; thence in an easterly direction along north side of Lake street to the center of Forest avenue; thence in a southerly direction along the center of Forest avenue to the south side of Second avenue; thence in an easterly direction along north side of Second avenue to the east side of Mulberry street; thence in a northerly direction to the south side of Spruce street; thence in an easterly direction along south Section 17, Township 16, Range 18; thence in a foregoing being part of plat filed in the office of the northerly direction to point of beginning. All the side of Spruce street to section line on east side of judge of probate of Montgomery county, on the eleventh day of November, 1898, in plat book No. 1, pages 106½, 107 and 107½. But the police jurisdiction of said town shall be and extend one-quarter

Incorporation
confirmed

Corporate
limits

Election

of a mile from and outside of the corporate limits of said town, as above defined.

Sec. 2. Be it further enacted, That there shall be elected by the qualified electors of said town of Highland Park, the following officers, viz: a mayor and five aldermen, in the manner hereinafter provided. The next election of mayor and aldermen for said town shall be held on the first Tuesday in December, 1899. The term of office of the mayor elected under this act shall commence at the expiration of the term of the present mayor of the town of Highland Park, and shall continue for two years, and until his successor is duly elected and qualified; and biennially thereafter, on the first Tuesday in December, a mayor shall be elected, whose term of office shall commence at the expiration of the term of his predecessor, and shall continue for the term of two years, and until his successor is duly elected and qualified. The term of office of said aldermen shall commence at the expiration of the term of the present councilors, viz: Aldermen Felton, McDavid, Black, Jones and Campbell, shall continue for two years, and until their successors are duly elected and qualified. No person shall be eligible to the office of mayor or alderman unless he shall be a qualified elector, nor shall he be directly or indirectly interested in any contract whatever to which the town is a party, unless such contract be let publicly to the lowest bidder and awarded to him as such. Said election shall be continued according to the law governing elections for officers under the law of the State, except as declared in this act, and each elector shall have caused him to be registered in the office of said board in the manner hereinafter provided. The polls at such election shall be kept open from 9 a. m. until 5 p. m. At such election there shall not be more than four polls, to be established by the mayor and aldermen, who shall designate the limits of such voting precinct, and of which ten days notice shall be given by publication as of an election of said town; that it shall be the duty of the clerk of the board of said town to pro-

vide for the opening of said polls, and to give ten days notice by posting notices in three conspicuous places, of the time of holding said election of the several polling places, and names of inspectors of election of each precinct. The said board shall appoint the said inspectors, who shall perform the duties of the returning officers and the inspectors for the election shall be appointed by the mayor and councilors of the town of Highland Park. The number of said inspectors so appointed shall be three for each poll in said town, and said inspectors shall be duly qualified electors of said town, capable of reading and writing. The inspectors of election in the several voting places shall conduct the election. Upon receipt of any vote by the inspectors, they shall forthwith check off with ink the name of the person voting. The said inspectors shall immediately after the polls are closed, proceed to count the ballots and compare them with the poll list at their respective polls, and certify the result of the election in their respective precincts to the mayor and aldermen of said town. They shall enclose the ballots cast, with the poll lists, together with their certificates of the result, in the box in which is placed the ballots received at such election, and after carefully sealing the same, deliver said box, with its contents, to the mayor of said town, who shall give the said inspectors his receipt for said box, stating in said receipt the condition of said box when received by him. The mayor and aldermen of said town, or a majority of them, shall, immediately after the delivery of the ballot boxes and poll lists of the respective voting places, as hereinbefore required, to said mayor, proceed to open the said boxes, and within three days, by a count of the votes and comparison thereof with the poll lists and returns of the inspectors of the several polls, verify, and, if necessary, correct the said returns, and declare the election to their respective offices of the persons who shall have received the largest number of legal votes for the respective offices to be filled at said election, and shall give certificates

Election

Elections

Contests

Oath

Bond

of election to their respective offices to the persons so found to be elected. The said certificates of election so issued by the said mayor and aldermen, or a majority of them, shall entitle the persons so certified to the possession of the respective offices, immediately upon the expiration of the term of office of their predecessors, as fixed by this charter, subject, however, to contestation of their rights. During such contestation, and until decision by the tribunal having jurisdiction of such contests, the official acts of such certified officers about the business of their respective offices, shall be good and valid in law. The election of persons declared elected to any office herein provided for which may be filled by a vote of the qualified electors of said town of Highland Park, may be contested by any qualified elector for any one or more of the causes mentioned in Section 1667 of Revised Code of 1896.

Sec. 4. Be it further enacted, That every officer of the town, and his assistants, shall, before entering upon the duties of such office, take and prescribe before some person qualified to administer oaths, the following oath or affirmation: "I, _____, do solemnly swear (or affirm) that I will support the constitution of the United States, and of the State of Alabama, and the charter and the ordinances of the town of Highland Park, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability." which oath, or affirmation, so subscribed, shall be filed in the office of the clerk of the board, and all such officers, except the mayor and aldermen, shall, before entering upon the duties of their respective offices, execute a bond with surety, as may be approved by the board, payable to the town, in such penal sum as may, by resolution or ordinance, be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer according to law and the ordinances of said town: Provided, however, That the treasurer's bond shall not be fixed at a less sum than the amount of the estimated tax and special assessments for the current year, which bond shall

be recorded in the office of the judge of probate of Montgomery county, on payment of the fee therefor, and it shall be the duty of the mayor to have such bonds so recorded. If any person elected or appointed to an office shall fail for five days after such election or appointment to take and subscribe such oath, or affirmation, or give and file bond as required by this action, his office shall be deemed vacant, and, on such failure being certified to, the board, by its clerk, the board shall proceed at once to fill such vacancy. For any breach of the conditions of said bond, suit may be instituted thereon by the town, or by any person, first securing the town against cost, in the name of the town of Highland Park, for the use of such person. All officers appointed under this act shall be commissioned by warrant under the corporate seal, signed by the clerk and mayor of said town. All officers appointed under this act shall have the qualification of said town. It shall be duty of the clerk to keep the corporate seal; to attend all meetings of the board; to enter in the minute book a full and faithful record of its proceedings. He shall issue and cause to be served upon the aldermen notices of all special meetings of the board; to give notice to all persons whose attendance may be required before the board, or any committee thereof, when so directed; shall keep in a book, to be kept for that purpose, a record of all ordinances passed by the board, and at the foot of the record of each ordinance so required, shall make a memorandum of the date of passage and page of the minute book on which it appears, and of the publication or posting of such ordinance, which record or memorandum, or a certified copy thereof, shall be prima facie evidence of the passage and legal publication or printing of such ordinance for all purposes whatsoever. He shall draw his warrant upon the town treasurer in such form as shall be, from time to time, prescribed by the board for all moneys appropriated or ordered to be paid by said board. He shall prepare all commissions, licenses, permits and other official documents required to be issued by him un-

Commission

Duties of clerk

Duties of
treasurer

der the laws and ordinances of said town. He shall be the clerk of the police magistrate, and shall have power to administer oaths and affirmations upon all lawful occasions, and perform such other duties as the board shall, by ordinance, prescribe. The treasurer shall be the custodian of all moneys belonging to the town, and shall deposit the same in such banks as the board may direct; shall keep a faithful and true account of the same, and pay them out in such manner and under such regulations as the board may direct, and shall make an annual report, and oftener if required, to the board relating to the finances of the town; and shall perform such other duties as the board shall, by ordinance, prescribe. The powers and duties of all elections and appointive officers in said town shall be prescribed by ordinance, and not inconsistent with the provisions of this charter. The mayor, clerk, treasurer, marshal, health officer, fire marshal, and all other officers shall make a report at the end of each fiscal year to the board, and at such other times as they may direct.

Duties of
officers

Duties and
powers of
mayor

Sec. 5. Be it further enacted, The mayor shall be the chief executive officer of the town, and shall perform all such duties as are or may be prescribed by law or by the town ordinances, and shall take care that the laws and ordinances are faithfully executed. The mayor shall, from time to time, lay before the board a full statement of the condition of the affairs of the town, and shall recommend for their consideration such measures as he may deem expedient. The mayor shall have the power at all times to examine and inspect the books, records and papers of any agent, employee, or officer of the town. He shall have the power and jurisdiction of a justice of the peace in all matters civil or criminal, arising within the corporate jurisdiction. He shall be the police magistrate of said town, and may impose the penalties prescribed by ordinance or by this act for the violation of the ordinances and by-laws of said town. He shall have the power to remove the clerk of the board and treasurer or any officer elected by the board or the town

clerk or the town marshal, whenever he shall be of the opinion that the interests of the town demands such removal; but he shall report the reason for such removal to the board at a meeting to be held not less than five days after, nor more than ten days after, such removal; and if the mayor shall fail or refuse to file with said clerk a statement of the reason for such removal, or if the board, by a four-fifths vote of all its members elected, by yeas and nays, to be entered upon the record, disapprove such removal, such officer shall thereupon become restored to the office of which he was removed. He shall make proclamations whenever he shall deem it necessary for the public health, or whenever instructed by the board, in order to prevent contagious or infectious diseases from being introduced into the town, prohibiting all persons and goods from infected localities from entering said town, and, under ordinance to be adopted for that purpose, shall have power to offer rewards for the detection and punishment of all violations of such proclamations. He shall make proclamations whenever it shall be deemed necessary for the public peace and order of the town, prohibiting riotous and disorderly assemblies, or closing saloons and public places of amusement. He shall have power, when necessary, to call on all male inhabitants of the town over the age of eighteen years to aid in enforcing the laws and ordinances. He may release any person imprisoned for violating any town ordinance and remit the fine therefor, but he shall report such release, with the cause thereof, to the board at its first session thereafter. If the mayor or any alderman, or other town officer, at any time during the term of his office, shall remove from the limits of the town, his office shall thereby become vacant.

Duties and
power of
mayor

Sec. 6. Be it further enacted, That the board shall consist of the mayor and five aldermen. The board shall be the judge of the elections, returns and qualifications of its own members, and hear and determine contests, and a majority of such board shall constitute a quorum to do business;

Mayor and
aldermen

Mayor and
aldermen

but a smaller number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The mayor shall be ex-officio president of the board, but shall have no vote except in election of officers, and when in consideration or passage of resolutions or ordinances the board be equally divided, and in the absence or inability of the mayor to serve the board may elect a mayor pro tem. from their number, who, during such absence or disability, shall possess the powers of the mayor, but shall not lose his right to vote as an alderman. The yeas and nays shall be taken upon the passage of all ordinances of propositions to create any liability against the town, or for the expenditure or appropriation of its moneys, and in all other causes at the request of any member. The board shall determine its own rules of proceedings, punish the members for misconduct or disorderly behavior, and with the concurrence of four-fifths of the board, may expel a member: Provided, That any alderman who shall have been convicted of bribery, perjury or other infamous crime shall thereby be deemed to have vacated his office. The board shall prescribe, by ordinance, the times and places of the meetings thereof, and the manner in which special meetings thereof may be called. All ordinances or resolutions passed by the board shall take effect and be in full force from and after the passage, by posting a copy thereof in a conspicuous place in the corporate limits. In case of death, resignation, removal or inability of the mayor, clerk, treasurer, or any alderman, the board shall fill such vacancy. The board shall elect a clerk, a treasurer, and a marshal, and may elect a town attorney, a fire marshal, superintendent of streets, town engineer and such other officers as the board may establish by ordinance.

Powers

Sec. 7. Be it further enacted, That the board shall have the following powers: 1. To control the finances and property of the town. 2. To appropriate money for corporate purposes only, and pro-

vide for the payment of the debts and expenses of the corporation. 3. To levy and collect taxes for general and special purposes on real and personal property. 4. To license all business and trades not prohibited by the constitution and laws of the State of Alabama; to fix the amount, terms and manner of issuing or revoking such licenses, and to provide a penalty for the doing of business without a license. 5. To license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public scales, money changers, brokers, second-hand and junk stores. 6. To license, regulate, and restrain hawkers, peddlers, pawnbrokers, itinerant venders, keepers of ordinaries, theatricals and other exhibitions, shows and amusements, and revoke such license at pleasure. 7. To license, regulate and restrain street cars, hackmen, draymen, omnibus drivers, carters, cabmen, porters, runners for stages, cars and public houses, expressmen and others pursuing like occupations, and to prescribe their compensation. 8. To license, regulate, restrain and prohibit billiards, bagatelle, pigeon hole or any other tables or implements used for a similar purpose in any place of public resort—pin alleys and ball alleys. 9. To revoke all licenses under such restrictions and regulations as may be provided by ordinance. 10. To forbid and punish the selling or giving away of any spirituous, vinous or malt liquors to any minor, habitual drunkard or intoxicated person within the police jurisdiction. 11. To prohibit and suppress houses of prostitution and disorderly houses; and also to suppress gaming and gambling houses, lotteries and all fraudulent devices and practices for the purpose of gaining or obtaining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations, and to prohibit or suppress all public masquerades, exhibitions and amusements which violate public morals or decency. 12. To assess, levy and collect annually a tax for general and special purposes on real and personal property, not exceeding one-half of one per cent. on the value thereof,

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as assessed for State taxation during the preceding year. 13. To levy and collect annually a street tax of not exceeding two dollars and fifty cents on each male inhabitant over the age of eighteen years who has resided in said city thirty days next preceding such levy. 14. To establish, open, alter, vacate, widen, extend, cut down, fill in and pave or otherwise improve all streets, avenues, sidewalks, alleys, public grounds and squares, and provide for the payment of the costs and expense thereof in a manner not inconsistent with the provisions of this act. 15. To plant trees upon the same. 16. To regulate the use of the same. 17. To prevent and remove obstructions and encroachments upon the same. 18. To provide for the cleaning of the same. 19. To regulate the openings therein for the laying of gas or water mains and pipes and the building and repairing of sewers, culverts and drains, and erecting gas and electric lights, telegraph and telephone poles and wires, subject, however, to the reservations in the dedication of any streets, alleys or avenues or public grounds. 20. To regulate the use of sidewalks and all structures thereunder, and to require the owner or occupant of any premises to keep the sidewalk in front or along the same free from obstruction. 21. To compel the owner or tenant of any premises to keep the sidewalks in front of or along such premises clean and in repair; and to prescribe the kind of pavement to be laid, and to compel the laying of such pavement along such sidewalk. 22. To regulate and to prevent the throwing or depositing of ashes, dirt, garbage, or any offensive matter in, and to prevent injury to any street, avenue or public grounds. 23. To provide for and regulate crosswalks, curbs and gutters. 24. To prevent and regulate the use of streets, sidewalks and public grounds for signs, sign posts, awning, awning posts, horse troughs, racks, posting hand bills and advertisements. 25. To regulate traffic and sale upon the streets, sidewalks and public places. 26. To regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the corporation. 27. To regulate

the numbering of houses, and to name and to change the name of any street, avenue, alley or other public place. 28. To require railroad companies to keep flagmen at railroad crossings of streets, and to provide protection against injury to persons or property in the use of such railroads, and to compel and require railroad and street railway companies to make and keep open and keep in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant pools of water can not stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded; and to regulate and restrain the blocking of streets or avenues or the impeding of travel thereon by any railroad or street railway company. 29. To construct and keep in repair bridges and viaducts, and to regulate the use thereof. 30. To construct and keep in repair culverts, drains, sewers and cesspools, and regulate the use thereof. 31. To provide for the draining and filling up of ponds on private property whenever necessary to prevent or abate nuisances, and to cause the same to be done at the cost of the owner. 32. To prevent infectious and contagious diseases from being introduced into said town, or ordain all regulations necessary for an effective quarantine, and to enforce the same within the police jurisdiction of said town. 33. To maintain cleanliness and health of the town, and to provide for the inspection and cleanliness of all places likely to be or become detrimental to health, and to adopt such ordinances and regulations as shall be deemed necessary or expedient to protect health and prevent the spread of disease, and to maintain a good sanitary condition in the streets, public places and private premises of said town. 34. To suppress all nuisances at the expense of the person causing the same, or upon whose premises it is found, on private or public property, and may enter upon private property for the purpose. 35. To prescribe the manner in which draining from private premises may be disposed of; to provide the manner in which water

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closets and sinks shall be constructed, to discontinue and forbid the use of sinks, pits, dry wells and the like; to regulate and compel connection of private and public premises with the sewer system of said town in the event one is established, and to regulate said connection as they may deem best for the health of the said town. 36. To control, regulate and prohibit slaughter houses within the police jurisdiction of the town, and to provide for the weighing and herding outside of said town of all live stock intended for slaughter, and to prohibit the same from being driven through the streets of said town. 37. To prevent the sale of adulterated or decayed food and adulterated drinks. 38. To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats and geese and dogs, and to impose a tax on dogs. 39. To direct the location and regulate the use and construction of breweries, distilleries, livery stables and tanneries. 40. To prevent any offensive or unwholesome business or establishment within the police jurisdiction. 41. To compel the owner of any grocery, cellar, tannery, stable, pig sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, and to regulate the location thereof. 42. To establish and regulate cemeteries within or without the corporate limits of the town, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed and prohibit their establishment within the corporation. 43. To erect, establish and maintain hospitals, pest houses, houses of detention, medical dispensaries, poor houses and infirmaries, and control and regulate the same. 44. To erect and establish markets and market houses, and provide for the use and regulation thereof. 45. To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard and vegetables. 46. To provide for the inspection and sealing of weights and measures, and enforce the keeping and use of proper weights and measures by venders. 47. To provide for the inspection and condemnation of

steam boilers. 48. To provide for the erection and care of all public buildings necessary for the use of the town. 49. To provide for the taking of the census of the town, but no town census shall be taken by authority of the board of aldermen oftener than once in three years. 50. To exercise the right of eminent domain for public purposes in the manner prescribed by the constitution and laws of the State of Alabama. 51. To regulate places of amusement and public entertainment. 52. To determine the limits within which wooden buildings shall not be erected, and to prevent the construction in wood of old buildings within such limits, and to condemn buildings and parts thereof which are dangerous and insecure. 53. To establish or purchase and maintain water works, or contract for the furnishing of water for fully supplying the town and its inhabitants with wholesome water, and to regulate the manner and rates of furnishing water to private consumers. 54. To establish or purchase and maintain gas or electric works, or contract for the furnishing of gas for light and fuel, or electricity for light and power, for fully supplying the town and its inhabitants, and to regulate the manner and rates of furnishing gas and electric lights to private consumers. 55. To establish and erect jails, houses of correction and work-houses for the reformation and confinement of vagrants and disorderly persons, and persons convicted of violating any city ordinance; to make rules and regulations for the government of the same. 56. To establish and maintain a fire department, and to regulate the same. 57. To erect engine houses and provide for fire engines, hose carts, hooks and ladders, and other implements for prevention and extinguishment of fires. 58. To prevent the dangerous construction of chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any buildings or manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous; to regulate and prevent the carrying on of any manufactories dangerous in causing and produc-

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ing fires; to prevent the depositing of ashes in unsafe places, and to cause all such buildings and enclosures as may be in a dangerous state to be put in a safe condition, and to prescribe and compel the construction of fire escapes. 60. To regulate and prevent the storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitroglycerine, petroleum, or any of the products thereof, and other combustible and explosive materials, and the use of lights in stables, shops and other places, and the building of bonfires, also to restrain and regulate the use of fireworks, firecrackers, torpedoes, roman candles, sky rockets, and other pyrotechnic displays. 61. To regulate the police of the town, and to restrain and prohibit disorderly conduct and breaches of the peace. 62. To prescribe the duties and powers of the chief of police, policemen and watchmen. 63. To prevent and suppress, riots, route, affrays, noises, disturbances and disorderly assemblies in any public or private place. 64. To prohibit and prevent cruelty to animals. 65. To restrain and punish vagrants, mendicants and prostitutes. 66. To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets, or on the sidewalks or to frighten teams or horses. 67. To prohibit and restrain gaming and the keeping of gaming houses; to authorize the police, on affidavit being made by any reputable person that he has good cause to believe, and does believe, that the house, or part of a house, in said town is being kept for the purpose of carrying on gambling therein, to break into and enter such house or part thereof, upon the refusal of the owner or occupant thereof to open the same, and to seize all gambling implements therein, and to arrest all persons found therein. 68. To impound and forfeit domestic animals found on the streets contrary to town ordinances. 69. To pass ordinances for the punishment of all persons who in any manner obstruct any police officer, or patrolman, in the lawful performance of any of his duties in the police juris-

diction of said town, and for the punishment of all persons who, when called upon by any of the town officers, to aid in the arrest of any person in the police jurisdiction of said town, shall refuse to render assistance as required, and, in all cases where any person is so called on and aid such officer or patrolman is required, such person shall not be liable to indictment or punishment in the Courts of this State therefor, nor to punishment by the police magistrate of said town, nor shall he be liable to any damage in any civil action therefor; provided, he does no more than is reasonably necessary to affect said arrest. 70. To authorize the chief of police, and such other officers of the police force, as it may designate, to administer oaths and issue warrants for the arrest of offenders against the law of the State or by-laws and ordinances of the town of Highland Park, returnable before the police magistrate of said town. 71. To pass by-laws and ordinances for assessing property adjacent to any street, avenue or alley, for the purpose of opening, widening, grading, macadamizing, paving and curbing the streets and avenues of said town, the paving of sidewalks, and the construction and laying of sewers and drains. 72. To expel any of its members for misconduct by vote of two-thirds of all the members elected to the board, the mayor to have a vote therein, the vote being taken by yeas and nays and spread upon the minutes, five days notice and an opportunity of being heard in his own defense having been previously given said member, with a copy of the charge against him; but an appeal may be had from any such judgment of expulsion to the Circuit Court of Montgomery county, upon the accused entering into bond payable to the board with such surety, and in such amount, not exceeding two hundred dollars, and with such conditions as may be approved by the board: Provided, That such appeal is taken within thirty days after such judgment is rendered, and the cause upon such appeal shall be tried *de novo*. 73. To provide, by ordinance, that all papers, printing, stationery, blanks, fuel, and all other sup- Powers

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plies needed for the use the town, and all work for local improvements, shall be furnished and done by contract, to be let to the lowest responsible bidder. 74. To grant the use of any right to lay down railroad and street railway tracts in the streets of said town, and regulate the use of the same, and to compel the owners thereof, or of any street railroad or railroad tracks, to pave and keep in repair that part of the streets, bridges and crossings over which their cars run, and to the extent of thirty-six inches on the outside thereof, subject, however, to the reservations in the dedication of such streets. 75. To pass all ordinances, rules, and make all regulations proper or necessary to carry into effect the powers granted herein, with such fines and penalties as the board shall deem proper: Provided, That no fine or penalty shall exceed one hundred dollars, and no sentence to imprisonment shall exceed six months. 76. To provide for the revision of the general ordinances of the town at least once in every five years. 77. To fix all salaries and fees of the officers of the said town. 78. To own, purchase, buy and sell, from time to time, such real and personal property as may be necessary or useful in carrying out the objects of this incorporation. 79. To summons witnesses and compel their attendance, and administer oath by the mayor or presiding officer; compel witnesses to testify and produce books and papers in all matters relevant to the government of the town; and the power and jurisdiction hereby conferred, and may punish them by imprisonment not exceeding ten days for failure to attend or refusal to testify or produce books and papers; but an appeal from any such order shall lie to the Circuit Court of Montgomery county. 80. To arrest fugitives from justice.

Ordinances

Sec. 8. Be it further enacted, That the style of the ordinances of said town shall be: "Be it ordained by the board of the Town of Highland Park." 2. All ordinances and the date of publication thereof may be proven by certificate of the clerk of the board under the seal of the corporation, and when printed in book or pamphlet form

and purporting to be published by authority of the board, the same need not be otherwise published, and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all Courts and places, without further proof. 3. All actions brought to recover any fine, or to enforce any penalty under any ordinance in said town, shall be brought in the name of the town of Highland Park as plaintiff. 4. All fines and forfeitures for violation of ordinances, when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation at such times and in such manner as may be prescribed by ordinance. 5. In all actions for the violation of any ordinance the first process shall be a warrant for the arrest of the offender upon oath being made before the proper officer, that an offense in violation of an ordinance of the town has been committed, and accusing such person thereof; and any person arrested upon such warrant shall, without unnecessary delay, be taken before the mayor to be tried for the offense. Any person upon whom any fine or penalty shall be imposed may, upon the order of the mayor, be committed to the county jail, town prison, work-house, or other place provided by the town for the incarceration of offenders, until such fine, penalty and costs are fully paid: Provided, however, That the marshal or other police officer of said town, may arrest any person without a warrant, on any day and at any time, for any public offense committed or breach of the peace threatened in his presence; or, when a felony has been committed, and not in his presence, by the person arrested, or when a felony has been committed, and he has reason to believe that the person arrested committed it; or, when he has reasonable cause to believe that the person arrested has committed a felony, although it may afterwards appear that a felony has not, in fact, been committed; or, upon a charge made upon reasonable cause that the person arrested has committed a felony. The board of al-

Violations

dermen shall have power to provide, by ordinance, that every person so committed shall be required to work for the corporation at such labor as his or her strength will permit, within and without such prison, workhouse, house of correction, or other place provided for the incarceration of such offenders, not exceeding one dollar for each days service, exclusive of board; that no female must be punished by subjecting her to work on the streets. 6. Any constable or sheriff of the Count of Montgomery may serve any process or make any arrests authorized to be made by any town officer.

Taxes

Sec. 9. Be it further enacted: 1. That the mayor and aldermen may levy and collect each year, upon all real and personal property and all subjects of State taxation within said town, except the tax levied as a street tax, a tax not exceeding one-half of one per centum of the value of such property, or subjects of taxation, as assessed for State taxation during the year preceding that for which said mayor and aldermen may assess and lay the tax above provided for; and there shall be no exemption from taxation. 2. The taxable property of each tax payer, and the subject of taxation on which he is taxable, and the amount or value of each item thereof, as valued by the assessor of Montgomery county for the current year mentioned in paragraph 1, shall be ascertained and fixed by the aforesaid tax assessors book of such year, made by him under the requirements of the laws of Alabama, and any supplemental assessments that may have been made by him for such year, all corrected as provided in Section 3979, Code of Alabama. 3. Said mayor and aldermen shall cause a copy of such tax assessors books, corrected as aforesaid for said current year, to be made and entered in a bound book properly prepared for that purpose; but when the property of subjects have changed owners since said assessments were made on it by said tax assessor, said copy shall be so corrected as to show its true owner at the commencement of the year for which the tax provided for in this act is to be paid, and so as to show against whom the tax on

each is laid. If the property has since such assessment been destroyed, or greatly damaged by fire or other cause, this also shall be noted, with the estimated amount of damage. 4. As soon as the book provided for in the preceding paragraph is made and corrected, it shall be filed with the clerk of said board, where it shall remain for twenty days open to public inspection; and notice of that fact shall be immediately given by said clerk, by the publication of a notice to that effect by posting the same in three conspicuous places in said town. Any person charged in said book as the owner of any property or subject of taxation which he was not the owner of on the first day of January of the year for which the tax therein provided for is to be laid, shall, within said twenty days, file with the said clerk his affidavit to that effect; and if he knows who the owner is, shall state the fact, or that he does not know. Any tax payer may also file objections as to the correctness of said book as a copy of the aforesaid books of tax assessor of Montgomery county, designating wherein such copy does him injury. Upon notice by the clerk that such objections have been filed, said mayor and aldermen shall meet and hear and determine all such objections, and correct said book accordingly, and their decision on such objections, and as to all corrections to be made, shall be final. Said board may also, of their own motion, correct any error of ownership as aforesaid, but in no event shall it change such valuation, except in case of deterioration provided for in the preceding paragraph. Said mayor and aldermen shall continue its session from day to day until all objections so filed are disposed of, and no longer. 5. A majority of the board of mayor and aldermen shall be a quorum for the transaction of all business, and as soon as possible after the lapse of said twenty days, said board shall lay and levy for the current year the tax authorized by this act on all the property and subjects of taxation so listed and valued in the book mentioned in paragraph three of this act, corrected as aforesaid. 6. The taxes levied under

Taxes

this act shall have the force and effect of a judgment at law against the person assessed therewith, and for said taxes the said town of Highland Park shall have a preferred lien over all incumbrances and securities whatsoever, except county and State taxes, and all taxes assessed against the property of any person or persons under this act, or for which such persons may become liable for the current year, shall be a lien upon the real and personal estate of such persons within said town of Highland Park from the first day of January of that year, or if brought into the town after that time, the lien shall attach from the time it is brought in. 7. After the taxes shall be fixed and levied, the mayor of said town shall certify the same at the end of said tax book, and append thereto his warrant directed to the person authorized to collect taxes for the said town of Highland Park, authorizing and commanding such officer to collect taxes for the town of Highland Park, and said collector of taxes shall thereupon notify the public by posting notices in three conspicuous places, that he is ready to receive payment of the taxes so levied. 8. After thirty days shall have elapsed from the first publication of such notice, the said collector of taxes, or his deputy, shall make personal demands upon delinquent tax payers, wherever they may be found, for the amount of their taxes and costs; whenever unable to find them, shall leave a written or printed notice at the place of residence of such taxpayers, requiring them to come forward and pay such taxes and costs immediately, and for giving such notice the tax collector shall collect fifty cents, and it shall be the duty of such delinquents forthwith to make payment of their taxes and fees to the collector of taxes at his office; but no demand or notice shall be necessary to taxpayers who are non-residents of said town. The collector of said taxes shall be charged with and accountable for the whole amount of the taxes assessed for the year, and can only be discharged from such accountability by showing that the amounts unpaid could not have

been collected by the exercise of the means given him. 10. All taxes laid under this act, which are not paid at the end of ninety days, from the first publication of the notice required in this act, shall be in arrears and delinquent from that date. Upon all taxes paid in advance of such date, an abatement shall be allowed of one-half of one per centum per month on the amount of such tax, for each and every month so paid in advance, and upon all delinquent and unpaid taxes on the aforesaid date, a penalty of one-half of one per centum per month on the amount thereof, on the first day of each month subsequent to such date, to all of such taxes as may then remain delinquent and unpaid to be collected as said taxes are authorized to be collected. 11. After the expiration of ninety days from the first publication of the tax collectors notice aforesaid, the tax collector may levy upon and seize any personal property, if any there be, and if there be none, or not sufficient personal property, then upon the real estate of said delinquent taxpayer: Provided, That a failure to levy on and sell any personal property for taxes shall not vitiate the sale of real estate of any such delinquent taxpayer and the cost of such sale, and no personal property so sold for taxes shall be subject to redemption. But when real estate is levied on, notice of the sale shall be given ten days before the day of sale by posting notices in three conspicuous places. The land may be described by such numbers and abbreviations as will clearly indicate the property to be sold. Sale shall be at the town hall, or some other public place in said town, to commence on the day indicated in the notice, and sale may be continued from day to day until completed. 12. At all sales by the tax collector of property for taxes, he shall attend and bid off for the town of Highland Park, as purchaser, all the lots and lands on which the tax collector cannot get a bid from other persons, for the taxes and expenses of the sale, and the town of Highland Park shall have a certificate of purchase, and be vested with all the titles to the property so bought in,

Taxes

Duties of tax
collector

subject to redemption, hereinafter provided. When any real property shall be sold by the tax collector for the non-payment of taxes, he shall give the purchaser at such a sale a certificate to the following effect: "I, ———, tax collector of the town of Highland Park, do hereby certify that the town taxes for the year 18— (or the particular tax or assessment, as the case may be) amounting in all to ——— dollars, being due and unpaid by (A. B.), the owner or agent therefor, I have this day sold for the payment of taxes due by said (A. B.), and for collection for costs of levy and sale to (C. D.) who has paid the amount of taxes due as above, the following piece, parcel or lot of land, lying in the town of Highland Park, and bounded and described as follows: (Insert description). By virtue of the powers given me by law, I hereby authorize said (C. D.) to have and to hold the above described lands and tenements until the same shall be redeemed according to law. In witness whereof I have hereunto set my hand and affixed the seal of this corporation, this — day of —, 18—. ———, Tax Collector." Any real property

Right to

redeem

sold under the provisions of this act may be redeemed by the owner or any person interested therein, within two years after said sale, by paying to the town of Highland Park the amount of purchase money, all subsequent taxes and costs that may have been paid by the purchaser, and interest at the rate of fifteen per centum per annum, and thereon shall receive a certificate of redemption therefor. It shall be the duty of the town tax collector to keep in his office, in a book provided for that purpose, and conveniently indexed, a record of all certificates of purchase issued by such tax collector, and when real estate shall be redeemed as herein provided, it shall be the duty of such tax collector to note such redemption on such record, and when the purchaser or his assignee shall demand the money paid on such redemption, he shall pay the same to him upon the surrender of the certificate of purchase; and upon his failure to do so, said tax collector and his bondsmen shall be re-

sponsible to the person entitled to such redemption money. Said tax collector shall give to the person redeeming any real property a certificate of redemption, signed by him, setting forth the facts of the sale substantially as contained in the certificate of sale, the date of redemption, amount paid, and by whom redeemed; and such certificate shall be prima facie evidence of the fact therein stated. Said tax collector shall make such report of redemption as said corporate authorities may require. After the expiration of two years from date of sale, the tax collector then in office shall, upon application of holders of certificates of purchase, make out a deed to each lot or parcel of real property sold and unredeemed, and deliver the same to purchaser or his assignee upon return of certificate of purchase, payment of all subsequent taxes on the property, and one dollar for the deed; but any number of parcels of real property for which one person may hold purchase certificates, may be included in one deed, as may be desired by purchaser. Such deed shall be signed by tax collector in his official capacity, and acknowledged by him before some officer authorized to take acknowledgments, and when thus executed and recorded, shall vest in grantee all rights, title and estate of the former owner, free from all encumbrances made or suffered by them (except State and county taxes). Such deed shall be prima facie evidence in all Courts of this State, in all controversies and suits in relation to the rights of the grantee therein, to the land conveyed, or the facts recited in such deeds of regularity, of all proceedings in assessment and sale of said property required by this act, and of the title of the grantee, his heirs and assigns. 13. Should said corporate authorities require other means of collecting the taxes herein authorized, they may, by ordinance, adopt or substitute for any of the foregoing provisions contained in Part 1, Title 7, Code of Alabama, or any part of such provisions for the collection of such taxes by the town of Highland Park, so far as the same will apply, and shall have the same right to

Tax deed

Collecting
taxes

sell and make titles to property sold for taxes, as is provided for collecting State and county taxes; and said corporate authorities in adopting such provisions shall, by adopting ordinances, declare which of said provisions they adopt, and in such ordinance they may change the provisions, so far as to substitute its tax collector for that of the State and county, and so as to adopt the provisions relative to State and county taxes to the collection of the taxes herein authorized; and the mayor and aldermen shall have power to collect all taxes and all fines by execution, levy and sale, and from such execution no property shall be exempt: Provided, That this mode of collection shall not prevent collection of such in any other manner herein provided.

Present laws Sec. 10. Be it further enacted, That the passage of this act shall in no wise affect the validity of any by-law or ordinance heretofore enacted by the municipal authorities of the town of Highland Park, but the same are in full force and effect, wherever they are not in conflict with the general laws of the State.

State code Sec. 11. Be it further enacted, That the Secretary of State is hereby directed to furnish the clerk of the board of the town of Highland Park with a copy of the Revised Code of Alabama of 1896.

Repeal Sec. 12. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 18th, 1899.

No. 555)

AN ACT

(H. 61

To incorporate Oakman College in the Town of Oakman, in Walker County, Alabama.

Incorporators Section 1. Be it enacted by the General Assembly of Alabama, That J. W. Sactain, Geo. M. Master-son, Thos. Cornwell, David Kirkwood, Geo. Swin-

dell, T. M. Byars, of Walker county, be, and they are, hereby created a corporation and body politic, with powers of succession to continue for such length of time as they or their successors may see fit; and their successors shall have all the corporate powers and privileges herein conferred upon them.

Sec. 2. Be it further enacted, That the name of said corporation shall be Oakman College, and its place of business shall be at Oakman College, in the town of Oakman, in Walker county, Alabama, and that said corporation and their successors shall have power, under and by virtue of said corporate name to maintain at Oakman a college for the education of males and females of the white race, and to grant diplomas to all persons who shall complete the courses of study which shall be adopted by said college, to sue and be sued, and to do and perform all other acts and things, which are or may be necessary or proper in carrying out the purpose of a regular college.

Name

Powers

Sec. 3. Be it further enacted, That the said corporation, or their successors, shall have power under said corporate name, to acquire, have, own, receive and possess by gift, grant, purchase, devise, bequest or otherwise, real and personal property, and shall have power to dispose of said property by sale, grant or otherwise, and shall have such other rights and powers as are granted to private corporations under existing laws.

Powers

Sec. 4. Be it further enacted, That said J. W. Sactain, Geo. M. Masterson, Thos. Cornwell, J. M. Kirkwood, Geo. Swindell and T. M. Byars, or their successors, shall elect the professors and teachers, one of whom they shall make president, who, when so elected, shall constitute the faculty of said Oakman College.

Professors and teachers

Sec. 5. Be it further enacted, That the faculty of said college under the supervision of said corporation, may instruct in any of the arts and sciences, and may grant certificates of scholarship.

Certificates

Sec. 6. Be it further enacted, That the faculty of said college may grant to students of said col-

lege certificates of proficiency in all branches of study completed by said students in said college, after having examined them in said branches as required by the school law of the State of Alabama.

May own
property

Sec. 7. Be it further enacted, That said corporation may acquire, own and use property, real and personal, not to exceed in amount the sum of one hundred thousand dollars (\$100,000.00), not including the endowment funds that may be procured, and the said property hereby authorized to be owned and used, with any endowment funds, shall be exempt from taxation, whether county, State or municipal.

Sec. 8. Be it further enacted, That this act shall take effect from and after its passage.

Repeal

Sec. 9. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 18th, 1899.

No. 556)

AN ACT

(H. 1192

To authorize the mayor and aldermen of the City of Florence to cause or procure the streets, sidewalks, avenues and alleys of said city, to be graded, graveled, paved, curbed or otherwise improved with the material, and in the manner, prescribed by said mayor and aldermen; to assess the cost of all such improvement against the abutting property according to the frontage thereof, or according to the benefits to said property; to make such assessment a lien on said lands or lots; to prescribe a method for the enforcement of such lien; to provide a method for the payment of such assessments, and to issue bonds to anticipate such payment.

Streets and
sidewalks

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and aldermen of the City of Florence shall have power and authority to cause or procure the sidewalks along the ave-

nues, streets and alleys of said city now, or to be hereafter, established, to be graded, leveled, curbed and paved, or either, or regraded, releveled, re-curbed and repaved, or either; and to cause or procure the avenues, streets and alleys of said city now, or hereafter established, to be graded, leveled and graveled, macadamized or paved, or either, or to be regraded, releveled, regraveled, remacadamized, or repaved, or either, in such manner and with such material as they may deem best; and to compel the improvement of such streets, avenues, alleys and sidewalks to be made in the same manner and with the material selected by such mayor and aldermen; and to cause the expense of all such work, on sidewalks, avenues, streets and alleys, to be assessed against the owners of the land or lots lying along or adjacent to such avenues, streets and alleys, according to the value or frontage of said lands or lots, or of the benefits to the owners thereof, and to make such assessment a lien upon said lands or lots.

Sec. 2. Be it further enacted, That when the mayor and aldermen of said City of Florence orders the improvement or construction of any street, alley, sidewalk or other public place in such city, the cost of which is to be paid in whole or in part by property fronting thereon or benefitted thereby, it shall adopt a resolution to that effect, describing the nature and extent of the work, and the character of the material to be used, and shall direct that full details, drawings and specifications for said work be prepared by the city engineer. When such details, drawings, surveys and specifications shall have been completed, notice shall be given by publication in some newspaper published in the City of Florence, of such resolution, and that the details, drawings, surveys and specifications for said improvements are on file in the office of the city engineer, where property owners who may be affected by such improvement may see and examine the same. Such notice must be published once a week for two weeks in a newspaper published in the town of Florence.

Duties of
mayor and
aldermen

Objections

Sec. 3. Be it further enacted, That after the publication of said notice, as required in the preceding section, the said mayor and aldermen, either at a regular or called meeting, shall hear any objections that may be made to said improvement, or to the material to be used or the manner of making said improvement. Said board shall consider such objections, if any, and then and there take final action, confirming, modifying or rescinding their original resolution, and such action shall be final or conclusive on all such persons. 2. In giving the notice prescribed in the preceding section, the date and hour of the meeting at which such objections will be heard shall be given by the city clerk. But if objection to said improvement be made by a majority in frontage of the property owners to be affected thereby, the improvement shall not take place, unless ordered by a two-thirds vote of the aldermen, and approved by the mayor.

Bids

Sec. 4. Be it further enacted, That if said board of mayor and aldermen shall finally order such improvements, notice shall be given asking for bids for such work, which notice may be given in such manner and for such time as may be prescribed by the board. And said board shall, if a satisfactory bid be received, let the contract to make such improvement to the lowest responsible bidder. Such board may, by order, impose further conditions upon bidders with regard to bond and surety for the faithful completion of such work according to contract, or for keeping the same in repair for any length of time, or for any other purpose.

City engineer

Sec. 5. Be it further enacted, That all work done or improvements made under the provision of this act shall be done under the supervision of the city engineer, or the chairman of the street committee of said board, as may be determined by said board. That when the improvement is completed, the city engineer, or the chairman of the street committee, as the case may be, shall certify the same to the mayor, who shall cause the same to be inspected by the board of aldermen or by a committee of said board especially authorized, who

shall accept or reject said work. And said mayor and aldermen shall also have power and authority to pay out of the general fund of said city a portion of the cost of said improvement, if they see proper.

Sec. 6. Be it further enacted, That when the completion of any improvement made under the provisions of this act shall be certified to the mayor, he shall cause to be prepared a list showing the names of the property holders, and a description of the property to be assessed. Said list or assessment roll shall have, opposite the description of each piece of property, a blank space, in which the amount of the assessment against said property can be placed when made. Said assessment roll shall contain, at the foot of the same, a statement showing the total cost of said work, and the same shall be certified by the city engineer, or chairman of the street committee, as being correct.

Sec. 7. Be it further enacted, That upon the completion of said list of property owners, the mayor shall cause a written or printed notice to be served upon the owner of each piece of property embraced in said list, to appear before said mayor and aldermen at a time and place specified in said notice, to show cause, if any they have, why such property owner shall not be assessed for said improvement. Said notice must be served fifteen days before the day set for making the assessment, and may be served by the marshal of the said City of Florence, or any policeman thereof. Said notice may be served by delivering a copy to such owner personally, or leaving a copy at his residence. If any of such owners are minors or persons of unsound mind, such notice may be served on their guardian, and if said minor, or person of unsound mind, has no guardian, the mayor may petition the judge of probate of Lauderdale county to appoint a guardian ad litem for such minor or person of unsound mind: Provided, That infants over the age of fourteen years may select their own guardian ad litem, as provided by law. If any property owner named in said list is a non-resident of the

Duty of
mayor

Notice to
owner

State of Alabama, or resides out of the City of Florence, or if his residence is unknown, then such notice may be given by depositing a copy thereof in the postoffice, postage prepaid, directed to his last known place of residence. And if the name of the owner of any piece of property embraced in said list is unknown, then such notice shall be given by publication in a newspaper published in the City of Florence once a week for two weeks, and the last publication shall be fifteen days before the date of said hearing. If there be a defect in said notice or proceedings, before or subsequent to said notice, with respect to one or more interested persons, the same shall not affect such proceedings, except so far as it may touch the interest or property of such person or persons, and shall not avail any other person concerned therein. In case of such defect, supplementary proceedings of the same general character as those heretofore prescribed may be had in order to supply the same.

Rights of
owner

Sec. 8. Be it further enacted, That any person interested in any real estate to be affected by such assessment, may appear at the time stated in the notice served upon him, and show cause why his property should not be assessed, or be heard as to any matter or thing touching the assessment to be made against said property. And if any property owner shall have been damaged by the making of said improvement he shall file his claim in writing with said mayor and aldermen, before or at said meeting, or the same shall be barred.

Waiving
damages

Sec. 9. Be it further enacted, That all persons who do not appear before said board at such time, and claim damages by reason of the improvement shall be held to have waived the same, and persons who do not appear before said board to be heard touching the assessment to be made by them, shall be held to have consented to such assessment.

Apportioning

Sec. 10. Be it further enacted, That said board of aldermen, after having heard the property owner, shall then and there proceed to fix the amount of the assessment against each piece of property

described in the assessment roll according to the value or frontage of said lands or lots, or according to the benefits thereto. And where a street is improved, the cost of the improvement of the intersections shall be apportioned ratably among all the property on said street. That the amount of each assessment shall be placed in the blank space opposite the description of the property assessed. Said lists and said assessment shall be made out in a book suitably bound and ruled and kept for that purpose, and shall be known as the assessment book for local improvements, and shall be a public record.

Sec. 11. Be it further enacted, That any person aggrieved by the decision of the board in making such assessment, may, within twenty days, appeal to the Circuit Court of Lauderdale county, upon executing bond in double the amount of said assessment and the probable cost of such appeal, to be determined by the mayor and conditioned to prosecute said appeal to effect, or pay all damage which any person may suffer by said appeal. Appeal

Sec. 12. Be it further enacted, That said assessment, when made as hereinbefore prescribed, shall be a lien on the property against which the same is made, and shall have priority over all other liens except taxes. And said lien relates back to the date of letting the contract for such improvement. The said mayor and aldermen shall have power and authority to transfer and assign said lien to the contractor or contractors who made said improvement, or to any other person. In addition to the method hereinafter provided for the collection of said assessment, the Chancery Court of Lauderdale county shall have jurisdiction to enforce said liens, and in all suits which may be brought to foreclose said liens, either by the mayor and aldermen or its assigns, the plaintiff shall recover the amount of said assessment, with interest thereon, together with a reasonable attorney's fee, which shall not exceed one-half of the amount of said assessment. Lien

Sec. 13. Be it further enacted, That it shall be lawful for said mayor and aldermen, when order-

Installments

ing any local improvement, the cost of which is to be assessed to the property owners benefitted thereby, to provide that the said assessment may, at the option of the party assessed, be paid in not to exceed five annual installments; but said assessment shall be so divided that all installments shall be equal in amount, except that any fractional amounts must be added to the first installment. Said installments shall bear interest, which must be paid annually. Any person may pay the whole assessment against any lot, piece or parcel of land at the time the assessment is made, but if he elects to pay in installments and afterwards desires to pay before the installments are due, he must pay interest on the amount of the assessment unpaid to the date of the next annual payment. Any property owner who elects to pay the installments, and pays one installment of such assessment is concluded thereby, and shall not be permitted to set up any defense to said assessment thereafter, and such payment must be made within thirty days after the assessment is completed. In all cases where the property holders do not elect to pay in installments, and pay the first installment in thirty days, he shall be held to have waived the right to pay in installments, and the entire assessment shall, at the expiration of said thirty days, become immediately due and payable.

Failure to answer or pay

Sec. 14. Be it further enacted, That if any property owner who has not elected to pay in installments, fails to pay his assessment within thirty days, or having elected to pay in installments, fails to pay within thirty days, or makes default in the payment of any annual installment, the whole of said assessment shall become immediately due and payable, and the tax collector of the City of Florence shall proceed to sell the property against which the assessment is laid to the highest bidder for cash; but he shall first give notice by publication once a week for three (3) consecutive weeks, in some newspaper published in the county, of the date and time of such sale, and the purpose for which the same is made, together with a descrip-

tion of the property to be sold. And said tax collector shall execute a deed to the purchaser, which shall convey all the right, title and interest which the party against whom the assessment is made, had or held in the property at the time of letting the contract of improvement, or at the time of said sale. No mistake in the description of the property or in the name of the owner shall vitiate the assessment or the lien: Provided, Notice has been given to the owners as hereinbefore required; and if, for any reason, the sale made by the clerk shall be ineffectual to pass title, it shall operate as an assignment of the lien, and, upon the request of the purchaser, supplementary proceedings of the same general character as herein required may be had to correct the errors in said proceedings for his benefit, or the lien so assigned to him may be enforced in a Court of Equity.

Sec. 15. Be it further enacted, That for the purpose of anticipating the collection of the second and succeeding installments provided for in this act, it shall be lawful for said mayor and aldermen, when no contest or suit is pending in reference to said improvement, or where no notice of contest has been given, to issue bonds, payable out of said installments, bearing interest not to exceed six per cent. per annum, payable annually. Said bonds shall be issued in sums of one hundred dollars or multiples thereof, but shall not be dated nor issued until thirty days have elapsed after the making of the assessment as prescribed. Each bond shall state on its face out of which installment it is payable, and shall designate the improvement for which it is issued. The principal of such bonds shall not exceed in the aggregate the amount of such deferred installments, and shall be divided into as many series as there are deferred installments. Each series shall become due in the same year in which the corresponding installment shall become due.

Sec. 16. Be it further enacted, That said bonds may be sold at par, or paid to the contractors having the contract for the improvement for which

Bonds

Payment of
bonds

Payment of
bonds

the assessment was levied, at not less than their par value. But no person buying said bonds, nor any contractor who accepts them in payment of any work done by him, shall have any claim or lien upon said City of Florence in any Court for the payment of such bonds and the coupons thereof, except for the collections of the installments for which said bonds are issued; and the municipality shall not be in any way liable to the holders of said bonds in case of failure to collect the same. After the issue of such bonds, no suit shall lie to enjoin the collection of any assessment, and the validity of the same shall not be questioned. Such bonds, when issued, shall convey and transfer to the owner thereof all lien, right, title and interest, in and to, the assessment and liens upon the respective lots or parcels of ground hereinbefore provided for, which liens shall stand as security for such bonds and coupons until they are paid, with full power to enforce the collection thereof by foreclosure in any Court of competent jurisdiction: Provided, That the first bondholder who institutes a foreclosure suit in any Court against said property, or any part thereof, shall be entitled to have the proceeds of said suit applied pro rata to the payment of his own bonds and the bonds held by others, so that no more than one foreclosure suit shall be brought against any one lot or parcel of land. All bonds as herein provided, shall be held and considered commercial paper, and be free from all defenses by any property owner or property owners.

Duty of city
tax collector

Sec. 17. Be it further enacted, That it shall be the duty of the city tax collector to collect all the installments and to promptly and properly apply all money paid in on such installments to the holders of the bonds and coupons, and he shall keep the money so collected by him separate from other funds, and it shall not be used for any other purpose than that of paying the bonds and coupons. And he shall promptly ascertain the amount paid in on such installments, and without delay pay the same to the bond and coupon holders entitled

thereto. In case any person shall exercise his right of prepayment of his assessment, as provided by this act, and shall fully pay such assessment and interest, all interest and liability shall thereupon cease as to the property upon which the assessment so paid is levied, and the tax collector shall, upon the margin of the assessment book, forthwith release said lien.

Sec. 18. Be it further enacted, That when the mayor and aldermen of the City of Florence have heretofore let contracts for the construction of streets and sidewalks, or either, the cost of which is to be assessed to the property benefited thereby, that said assessment shall be made in conformity with the provisions of this act. Previous contracts

Sec. 19. Be it further enacted, That no fee or compensation to any officer or agent of the corporation shall be assessed against the land of any abutting owner, or collected from such owner. Fees

Sec. 20. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed. Repeal

Approved February 18th, 1899.

No. 557)

AN ACT

(H. 670

To prevent stock from running at large within the corporate limits of the City of Greenville, and in certain other localities in Butler County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful within the limits of the City of Greenville, and in Beat Four, Beat Five, Beat Six and Beat Seven, and that part of Beat Twelve north of Ranse and Thagard Mill road, not now included in any stock law; also, Beat Three, whenever said beat shall have been fenced on the north, south and west: Provided, That the fence on the west shall not be confined to the line of Stock district

Penalty

said beat, of Butler county, Alabama, for any stock to run at large upon the land or crops of another, and for each wilful violation of this section by any person or owner of such stock, shall be guilty of a misdemeanor, and, upon conviction of such offense, shall be fined not less than five nor more than fifty dollars; and the term stock, where it occurs in this act, shall be held to include horses, mares, mules, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs.

Damages

Sec. 2. Be it further enacted, That for any damage done by stock running at large within the corporate limits of the City of Greenville, and in Beats Four, Five, Six, Seven and that part of Beat Twelve north of Ranse and Thagard Mill road not now included in any stock law, also Beat Three whenever said beat shall have been fenced on the north, south and west: Provided, That the fence on the west shall not be confined to the line of said beat, of Butler county, Alabama, the owner shall be liable to the injured party in twice the amount of the damages done, to be recovered by suit before any Court having jurisdiction, and any such judgment recovered shall be a lien on the stock so committing the damages; and the Court entering the judgment shall enter therein an order that the officer executing the writ of execution in said judgment shall seize and sell the said stock for the satisfaction of the judgment.

Trials

Sec. 3. Be it further enacted, That the prosecution and civil actions provided for in this act may be tried before the mayor of the City of Greenville, or any justice of the peace or notary public with justice jurisdiction in the beat where the offense or damage occurs, and the amount of the damage does not exceed fifty dollars; if the mayor of the City of Greenville, or the justice of the peace or notary public, with jurisdiction of justice of the peace, is incompetent, or there is a vacancy in such office, then such trial shall be by the mayor pro tem. of the City of Greenville, or shall be in the nearest beat in said county where no objection exists; for such trials and prosecutions, the Mayor's

Court of the City of Greenville, and the Justice Court, shall always be open; but three days notice shall be given to the opposite party.

Sec. 4. Be it further enacted, That citizens living in the City of Greenville, and in Beat Four, Five, Six, Seven and that part of Beat Twelve north of Ranse and Thagard Mill road not now included in any stock law; also, Beat Three, whenever said beat shall have been fenced on the north, south and west, provided that the fence on the west shall not be confined to the line of said beat, of Butler county, Alabama, shall have the right to erect gates across public and private roads, at or near the corporate lines of the City of Greenville, and the lines of said Beats Four, Five, Six, Seven and that part of Beat Twelve north of Ranse and Thagard Mill road, not now included in any stock law; also, Beat Three, whenever said beat shall have been fenced on the north, south and west, provided that the fence on the west shall not be confined to the line of said beat, when necessary to prevent trespass by stock from other beats not included in this act; and that said gates, when so erected, shall be subject to such regulations and penal laws as are now in force in this State in regard to governing gates across public and private roads. Public gates

Sec. 5. Be it further enacted, That under the provisions of this act, all stock must be taken up by the first day of March, and must be turned out on the first day of December. Time may run

Sec. 6. Be it further enacted, That all laws and parts of laws that may prohibit the enforcement of this act be, and the same are, hereby repealed, so far as the same relates to the City of Greenville and Beats Four, Five, Six, Seven and that part of Beat Twelve north of Ranse and Thagard Mill road not now included in any stock law; also, Beat Three, whenever said beat shall have been fenced on the north, south and west, provided that the fence on the west shall not be confined to the line of said beat: Provided, That the provisions of this act shall not take effect until the 1st day of Decem- Repeal
When act
act goes in-
to effect

ber, 1899, except in the corporate limits of the City of Greenville, which shall become operative in said city on the approval of this act.

Approved February 18th, 1899.

No. 558)

AN ACT

(H. 928

For the preservation of game in Montgomery County.

Game

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful at any place in the County of Montgomery to catch, kill, injure or pursue with such intent, any wild buck, doe, fawn, wild turkey or partridge, between the fifteenth day of March and the fifteenth day of November; or any dove between the fifteenth day of March and the fifteenth day of July; and it shall be unlawful at any time to catch, kill, injure or pursue with such intent the mocking bird, cat bird, or thrush.

Unlawful

Sec. 2. Be it further enacted, That it shall be unlawful for any person to catch, take or kill, in this county, or have in his or her possession or under his or her control, and wild buck, doe, fawn, wild turkey or partridge, except from the fifteenth day of November to the fifteenth day of March; or any dove except from the fifteenth day of July to the fifteenth day of March.

Sec. 3. Be it further enacted, That it shall be unlawful at any time to catch, trap or net or kill any wild buck, doe, fawn, turkey, partridge or dove in any other manner than by shooting it with a gun.

Penalty

Sec. 4. Be it further enacted, That any person violating any provision of this act, shall be guilty of a misdemeanor and, on conviction thereof, shall be fined not less than one nor more than ten dollars for each offense, or in default of payment thereof, be imprisoned in the county jail for a period of one day for each dollar of penalty imposed.

Sec. 5. Be it further enacted, That all laws or parts of laws contrary to the provisions of this act be, and the same are, hereby repealed. Repeal

Approved February 18th, 1899.

No. 559)

AN ACT

(H. 1357

To empower the Board of Revenue and Road Commissioners of Mobile County to purchase and improve the old Shell Road.

Section 1. Be it enacted by the General Assembly of Alabama, That the board of revenue and road commissioners of Mobile county be, and they are, hereby empowered to obtain possession, by purchase, if necessary, or otherwise legally, of the road known as the old Shell Road, from the city to or near Spring Hill, and to improve the same, making it a shelled road, and to declare it a public road or highway. Shell road

Approved February 18th, 1899.

No. 560)

AN ACT

(H. 1247

To give the constable of Madison County the power to appoint a deputy constable.

Section 1. Be it enacted by the General Assembly of Alabama, That the constable of Huntsville precinct, in Madison county, State of Alabama, shall have the power to appoint a deputy constable, who shall perform the duties of said constable, and said constable and his bondsmen shall be responsible for the faithful discharge of all duties intrusted to the said deputy constable. Deputy

Sec. 2. Be it further enacted, That the constable of said Huntsville precinct shall appoint and remove said deputy constable at the convenience or pleasure of said constable, and without giving Removal

Repeal

the deputy constable any reason for removing him.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict herewith are hereby repealed.

Approved February 18th, 1899.

No. 561)

AN ACT

(S. 241)

To legalize the acts of the Jury Commissioners of Walker County, Alabama, in filling the jury box of said county and the drawing of the grand and petit juries therefrom in November, 1898, for the year 1899.

Juries

Section 1. Be it enacted by the General Assembly of Alabama, That the filling of the jury box of Walker county, Alabama, as done by the jury commissioners of said county, and as said box now stands and is fixed by said commissioners, is hereby legalized in all things, and the grand and petit juries, as drawn therefrom by said commissioners in the month of November, 1898, for the year 1899, is hereby legalized, ratified and in all things confirmed, notwithstanding any law or laws to the contrary now or heretofore existing.

Approved February 18th, 1899.

No. 562)

AN ACT

(S. 386)

For the relief of the Bank of Tuskegee.

Whereas, The Bank of Tuskegee, a corporation created and existing under the laws of the State of Alabama, erroneously paid a State and county license amounting to thirty-seven and fifty one hundredths dollars, having paid twenty-five dollars into the State treasury, and twelve and fifty one hundredths dollars into the county treasury, under Subdivision 55, Section 4122 of the Code.

Section 1. Be it enacted by the General Assembly of Alabama, That the State auditor be, and he is, hereby authorized and required to draw his warrant on the State treasurer for the said sum of twenty-five dollars in favor of the Bank of Tuskegee, which said amount shall be paid out of any money in the treasury not otherwise appropriated. State appropriation

Sec. 2. Be it further enacted, That the Court of County Commissioners of Macon county be, and are, hereby authorized and directed to draw a warrant on the county treasurer for twelve and fifty one-hundredths dollars, payable to the Bank of Tuskegee, out of the general fund of said county. County

Approved February 18th, 1899.

No. 563) AN ACT (S. 236

To repeal an act to require fire insurance companies doing business in the County of Montgomery to pay annually two hundred dollars each to a fund for the benefit of the fire companies of the City of Montgomery; to provide a penalty for a failure or refusal to pay said fund, and to regulate the disposition of said fund, approved February 10, 1897.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "An act to require fire insurance companies doing business in the County of Montgomery to pay annually two hundred dollars each to a fund for the benefit of the fire companies of the City of Montgomery; to provide a penalty for a failure or refusal to pay said fund, and to regulate the disposition of said fund," approved February 10th, 1897, be, and the same is, hereby repealed: Provided, That this repeal shall not, in any manner, interfere with any of the rights under this act which have already accrued to the said fire companies, or any of them, against said insurance companies, or any of them. Repeal

Approved February 18th, 1899.

No. 565)

AN ACT

(S. 440)

To establish the Pilgrim School District in Shelby County.

School district Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, there shall be established in Shelby county, the Pilgrim School District, to be composed of all that part of fractional township twenty-two (22) of range four (4) west, lying in Shelby county, and sections eighteen (18) and nineteen (19), also fractional section 30 in fractional township twenty-two (22), or range three (3) west, also in said county; also, sections 5 and 6, of township 24, range 12 east, in Shelby county.

Trustees Sec. 2. Be it further enacted, That the county superintendent of education shall appoint three (3) trustees in and for said school district, who shall hold their office from the first day of October next, for a term of two years, and until their successors are duly appointed by said superintendent; and these said trustees shall have all the authority and shall exercise all the powers of township trustees, as now or may hereafter be provided by law.

School funds Sec. 3. Be it further enacted, That the said district shall be under the control of the county superintendent of education of Shelby county, and entitled to all public funds belonging to the same.

Approved February 18th, 1899.

No. 566)

AN ACT

(S. 358)

To amend an act entitled "An act to amend the charter of the City of Uniontown, County of Perry, State of Alabama," approved February 16th, 1885, and the acts amendatory thereof.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 3 of an act entitled "An

act to amend the charter of the City of Uniontown, County of Perry, State of Alabama," approved February 16th, 1885, be amended so as to read as follows: "Sec. 3. Be it further enacted, That the government of said city shall consist of, and its corporate powers be exercised by, a mayor and six (6) councilmen, who shall be qualified voters of said city, and who, together with the marshal of said city, shall be elected as herein provided, annually, on the first Monday in March, by ballot, by the male inhabitants of said city, of or over the age of twenty-one (21) years, who are citizens of the United States, or who have legally declared their intention to become so, and have resided in the State of Alabama twelve (12) months, and in the city three (3) months next preceding such election, and are qualified electors under the general election laws of the State, and are registered as hereinafter provided; and should the election not take place on the day fixed for the annual election of mayor, councilmen and marshal, the corporation, for that cause, shall not be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified, and it shall be the duty of the mayor and councilmen to fix some day as early as convenient within one month thereafter on which day the said election shall be held; and should the mayor and councilmen fail or neglect to provide for the election as herein directed they shall be guilty of a misdemeanor. And, in case of a vacancy from any cause, either in the office of mayor, councilmen or marshal, the vacancy shall be filled by election by the remaining members of the board of mayor and councilmen, at its next regular meeting after such vacancy occurs. For the time being, the present mayor and councilmen and marshal are to continue in office until their successors are duly elected and qualified, as hereinbefore provided."

Section 3
amended

Elections

Sec. 2. Be it further enacted, That Section 15 of said act be amended so as to read as follows: "Sec. 15. Be it further enacted, That the board may appoint policemen, a clerk, tax collector, tax

Section 15
amended

Officers
appointed

assessor, treasurer, street superintendent, public weigher, and such other officers and employees as they may see fit and think necessary for the good government of said city, and to carry out the powers herein granted: Provided, however, That no person shall be eligible to hold either of said offices enumerated above, nor the office of marshal, who shall be a non-resident of said town at the time of the election or during his term of office. And the said board may prescribe the duties, liabilities and powers of the marshal, and such other officers, and may require them to give bond in such sum as they see fit for the faithful discharge of their duties; they shall fix their salaries and compensation, and may suspend, remove or discharge any of said officers or employes, for incompetency, neglect of duty, misconduct in office, or for any other good cause, when necessity demands it or justice requires it, in the manner as provided by law.' And if there should be a vacancy from any cause, in the office of marshal, or in any of the other offices mentioned above, the mayor shall have the right to fill such vacancy by appointment, and the person so appointed shall discharge the duties of such office until the vacancy is filled by election by the board as provided for in Section 3 of said act as amended herein. For any breach of the bond of any of such officers, herein mentioned, suit may be brought in the Circuit Court of Perry county, Alabama, or before any Court having jurisdiction of the same, and such suit may be governed in the same manner as other like suits. The board shall keep a regular record of all proceedings, orders, regulations, resolutions and ordinances of the board, which shall be read to the board and signed by the mayor or acting mayor when approved by the board, and the same shall have the force and effect of a record, and a copy thereof certified by the clerk shall be prima facie evidence in any Court of record or elsewhere, and such record shall, at all times, be open for inspection, by the public."

Sec. 3. Be it further enacted, That an act approved December the 5th, 1896, entitled "An act

Powers

to amend an act entitled an act to amend the charter of the City of Uniontown, County of Perry, State of Alabama," approved February 16th, 1891, be amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That the act entitled 'An act to amend the charter of the City of Uniontown, County of Perry, State of Alabama,' approved February 16th, 1891, be amended so as to read as follows: That Section 17 of an act entitled an act to amend the charter of the City of Uniontown, County of Perry, State of Alabama, approved February 16th, 1885, be amended so as to read as follows: That the said mayor and councilmen shall have full and complete power: 1. To make, adopt, and declare motions, by-laws, ordinances, in whatever manner and upon whatever subject to carry out the power herein granted and for the good government and order of said city, as they may think proper, and affix thereto such penalties for a violation of the same by fine not exceeding \$100, and by imprisonment or hard labor for the city not exceeding ninety days, one or both; and all persons convicted for breach of any by-laws or ordinances failing to pay or secure such fine may be imprisoned for such failure or placed to hard labor for the city until such fine and costs are paid in such manner as the board may direct not longer than ninety days. 2. To pass all laws and ordinances necessary and proper to prevent contagious and infectious diseases from being introduced into said city, and to preserve the health thereof; to establish and regulate a board of health, to establish and regulate an effective quarantine within said city and within ten miles thereof, and to punish any breach of quarantine laws. 3. To prevent and remove all nuisances at the expense of the person causing the same or upon whose premises the same may be found. 4. To establish, set up and regulate hospitals, and poor houses, work houses and houses of correction. 5. To license, tax, regulate or restrain theatrical or other amusements; the selling, retailing or giving away of spirituous, malt or intoxicating liquors.

Powers

6. To restrain or prohibit gaming houses, houses of ill fame, disorderly conduct, breaches of the peace, riots and all unlawful assemblies and public indecencies. 7. To appoint and regulate night and day watchmen, police, patrol and officers thereof. 8. To divide the city into wards and to regulate and change the same. 9. To establish, regulate and control markets and market houses, and to license the same; to license peddlers in a wagon, on horse back or on foot; bowling alleys or billiard tables, or tables of any device or kind from which any kind of profit is derived to the keeper; dealers in pistols, bowie knives, dirk knives or brass knuckles; peddlers of medicine and articles of like character; the selling of sewing machines, auctioneers, and all transient persons who offer goods of any kind for sale at auction on the streets or in the storehouses; feats of legerdemain or slight of hand, or other exhibition or entertainment, concerts or lectures when an admission fee is charged; and to regulate and license the selling of fruits, beef, pork, mutton, fish and other like commodity upon the streets of said city; and to regulate and license carriages, hacks, wagons, drays, and carts kept for public use; to tax and license livery stables, and horse and mule drovers, keepers of stud horses, jacks and bulls, provided, the sum charged for such licenses do not exceed the sums established by the revenue laws of the State when there is any charge made by said laws except as hereinafter provided. 10. To sink, repair and regulate public wells and cisterns; to establish water works, and gas works, and when the same are located without the corporate limits to have all needful power and jurisdiction over the same; to establish and regulate street lamps, fire plugs and hydrants, and control the same. 11. To open up new streets, to widen or change the direction of streets upon making compensation to the owners of land taken for public use, as hereinafter provided. 12. To establish and build drains, sewers and reservoirs, and to compel the owner or owners of lots or real property to ditch or drain the same at the expense of the owner, and to punish the owner

or person in charge of the same for refusal or neglect to comply by fine or imprisonment or both. 13. To establish and lay out public parks, and regulate the same. 14. To establish, regulate or change the fire limits within said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden building or structure, paying the owner thereof a reasonable price therefor. 15. To lay out regulate and control cemetery and burial grounds, and to sell lots in the same. 16. To prevent the running at large on the streets all cattle, hogs, dogs or other animals, or fowls of any description, and to pass all laws necessary for the sale and impounding of the same. 17. That the mayor and councilmen of Uniontown shall have exclusive power and authority to levy, assess and collect a poll tax from the inhabitants of said city liable to such tax, of not exceeding \$5.00 per capita, to be used and applied as the board may direct, said tax to be assessed and collected by such officers as the board may appoint under such rules and regulations as the board may prescribe, such officers to have the same rights, powers and remedies for the collection of said poll tax as are now given to the tax collector and other officers of Perry county. 18. To regulate and control the running of engines or trains within the corporate limits of said city. 19. To pass all laws necessary and proper for the arrest, with or without warrant, for any person against whom there is a charge made of violating any city or State law, and to confine such person, until tried, convicted or discharged by law. 20. To make and ordain all necessary laws concerning idlers, paupers, vagrants and disorderly persons in correcting or restraining their vicious habits; and all persons convicted of a breach of the by-laws and ordinances of said city failing to pay such fine and costs that may be imposed by the Court trying the same may be placed at hard labor for the city until such fine and costs are paid; and in case any person put to hard labor for the city fail to work faithfully, he may be tried for such failure by the mayor

Powers

Powers

or acting mayor, and if convicted shall be punished by fine not exceeding one hundred dollars, and by additional hard labor not exceeding thirty days, one or both. 21. To punish all persons who in any manner obstruct the marshal or other officer in the lawful discharge of his duty, or any person who when called upon to assist in the arrest fails to render such assistance. 22. To pass by-laws and ordinances in relation to auctioneers carrying on their business on the streets, and to regulate and prohibit the same. 23. The said board shall have power to pass and establish inspection laws within the city for the weighing and working of all kinds of produce and provisions for man and beast, and to provide for the inspection and gauging of wines, liquors, malt liquors, kerosene and illuminating oils. 24. To regulate and control the manner of building partition walls and partition fences, and to regulate the keeping, carriage and storage of gunpowder, blasting powder, wool rags, and other explosive or combustible materials within said city; to regulate and control the cleaning and sweeping of chimneys; the use of lights, stove pipes and flues in all stoves, warehouses, shops, stables, kitchens, residences, offices and other places within the corporate limits and in the territory over which the said corporate authorities may have police jurisdiction. 25. The said board shall have power to pass by-laws, ordinances and resolutions for the grading and paving of any side walks in said city, and provide for the payment therefor in such manner as shall not be inconsistent with the Constitution of this State. 26. The said board shall have power to pass by-laws or ordinances and regulations for the erection of any house or building within said corporate limits, by requiring the applicant before the erection of any building, to obtain a permit for the erection of the same from the board, under such rules and regulations as they may prescribe. 27. They shall have full power to regulate or prevent slaughter houses, and to regulate or prevent the penning of stock, hogs or cattle within the corporate limits. 28. Any officer may

be removed by a two-thirds vote of the board at a regular meeting of the same: Provided, That the party shall be given ten days notice of the charge or charges against him before the board, and the said board, after a regular hearing of the same, shall vote upon the charge or charges as preferred, which shall in all cases be specified. 29. The said board shall have power to pass by-laws, ordinances and resolutions for the licensing of such business and vocations as are now licensed by the State; provided, such license does not exceed the revenue laws of the State, except as hereinafter specified, and to impose and collect licenses on the following businesses not licensed by the revenue laws of the State, and other businesses, whether licensed by the State or not, the same not to exceed the following amounts: Auctioneers, \$100; barber shops, for each chair, \$10; bank and bank agents, and dealers in exchange, \$50; commission merchants and brokers, whether by sample or otherwise, \$50; express companies, each, \$50; hotels, each, \$25; restaurants, each, \$25; life, fire and other insurance companies (except such as are under the control of secret and fraternal societies) each, \$10; livery stables, \$25; livery and sale stables, \$50; dealers in fish and oysters or either, \$25; transient physicians or vendors of patent medicine, \$50; undertakers, \$25; keepers of studs or jacks and bulls, \$25; telegraph companies, \$50; carts, drays, wagons, hacks, coaches or omnibuses, \$25; warehouses and public weighers, \$50; dealers in commercial fertilizers, \$25; dealers (other than general dealers) in wagons, buggies or carriages, not manufactured in the town \$25; watchmakers doing business for themselves each, \$10; tin shops, each, \$10; bakers, each, \$10; printing offices, \$10; coal or wood yards, each, \$10; lumber yards, each, \$25; brick yards or dealers in brick, \$10; dancing schools, \$10; skating rinks, \$10; ice cream saloons, \$10; real estate agents, \$25; telephone exchanges, each, \$100; plumbers or gas fitters, each, \$10; ice factory, \$25; lightning rod agents, \$25; drummers or commercial agents sell-

Licenses

Taxes

ing to consumers, each, \$50; retailers of liquors, bar room, each, \$1,200; wholesale liquor dealers, each, \$1,200; photographers, each, \$25; peddlers on foot, on horse back or in wagons, \$50; fruit vendors from stands, or on streets, \$50; beef, pork, mutton or vegetable vendors, after certain hours, \$25; horse and mule drovers, \$100; dealers in second-hand clothing, other than cast off garments from their own wardrobes, \$300; cotton seed buyers, \$100; on dogs, provided, however, that one dog shall be exempted for each head of family householder, \$15; the said board shall have power to assess, levy and collect taxes on all property in said city, for each year, not exceeding one-half of one per centum on the value thereof, as assessed for State taxation the previous year, which said taxes shall be assessed and become due and delinquent at the same dates as the State taxes are by law. 30. That the mayor and council are hereby authorized annually to appropriate as much as ten per cent. of the general revenue of said city, and all or any portion of the revenue arising from licenses granted and issued by said mayor and council for the benefit and support of the free public schools in said city. That the City of Uniontown, Perry county, shall have the power to levy and collect the same licenses on all persons selling vinous, spiritous or malt liquors or any other article for which said city requires a license, when conducted within the corporate limits of said city, when said business is carried on within half mile of the corporate limits of said city and the city council of Uniontown shall have power to pass and enforce all ordinances necessary to carry out the provisions of this section.

When act
goes into
effect

Sec. 4. Be it further enacted, That this act shall go into effect and become operative immediately upon its passage and approval by the governor.

Approved February 18th, 1899.

No. 567)

AN ACT

(S. 123)

To amend an act entitled "An act to provide a charter for the City of Mobile," approved February 6th, 1897.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 15 of the act entitled "An act to provide a charter for the City of Mobile," approved February 6th, 1897, be and the same is hereby amended so as to read as follows: "Sec. 15. Be it further enacted, That there shall be elected by the general council, at the time prescribed herein for the election of city officers, a city sexton, chief and assistant chief of fire department, superintendent of streets, clerk of market, keeper of Magnolia cemetery, keeper of Church Street or Old cemetery, committee clerk, and a license officer, who shall each hold office for three years unless sooner removed by the general council for cause. Said officers and the city clerk, city attorney and city engineer, shall receive the following annual salaries, payable in equal monthly instalments, viz: Chief of fire department, fourteen hundred dollars; assistant chief of fire department, eleven hundred dollars; superintendents of streets, twelve hundred dollars; clerk of market, eight hundred and forty dollars; keeper of Magnolia cemetery, twelve hundred dollars; keeper of Church Street or Old cemetery, four hundred and sixty dollars; committee clerk, one thousand and twenty dollars; license officer, eleven hundred dollars; city attorney, fifteen hundred dollars; city clerk, twenty-one hundred dollars; city engineer, twelve hundred dollars; the city sexton shall receive such fees as are now fixed by the city ordinances of the City of Mobile. The duties of said officers so far as not set forth in this act shall be prescribed by ordinance. Before entering upon the discharge of the duties of their respective offices, each shall take an oath before some officer authorized to adminis-

Section 15
amended

Officers

Salaries

Oath

Bond

ter oaths, faithfully to perform the duties of his office. All of said officers and the chief of police and all other officers of the city government, when the general council deem it necessary, shall enter into bond, either with personal sureties, approved by the general council, or guaranteed by such guarantee and surety company as the general council may approve, for the faithful performance of the duties of their respective offices: Provided, That the bond of such guarantee company shall guarantee against and indemnify for any loss or damage that may arise from the negligence, carelessness or malfeasance in office of the officer or employee entering into such bond; and provided further, that the bond of such guarantee or surety company shall stipulate that suit may be brought to recover any such loss or damage whenever it may be discovered, at any time during the period prescribed for the bringing of such actions by the statute of limitations of Alabama. The bonds shall be payable to the City of Mobile, and in amount to be fixed by the general council. The mayor shall appoint on the first Monday in March, and every six months thereafter, an expert accountant, who shall make an examination in detail of all books and accounts of the city officials, to cover a period of six months immediately preceding such examination and make a full report thereof in writing under oath, to be read by him to the general council at its first meeting after the completion of said report, and spread on the minutes: Provided, That the same person shall not be appointed or authorized to make such semi-annual examination twice in succession; and for his services said accountant shall receive not more than seventy-five dollars for such semi-annual examinations. The chief of the fire department shall by and with the approval of the mayor, employ such firemen and laborers as may be necessary to secure an efficient fire department. The superintendent of streets shall have authority to employ an adequate street force, the number and personnel of said street force to be approved by the mayor. The said superintendent of streets

Examination
of books

Firemen

Street force

shall perform his duties under the direction of the mayor.

Sec. 2. Be it further enacted, That this amendment shall go into effect immediately upon its approval, and shall apply to the present incumbents of the offices therein mentioned.

Approved February 18th, 1899.

No. 568)

AN ACT

(S. 417

To incorporate the Mobile Railway and Dock Company.

Section 1. Be it enacted by the General Assembly of Alabama, That Thomas A. Dungan, Hurieosco Austill, Luther C. Fry, Florenz A. Luling, Robert Hunter, Arthur S. Benn, and Richard H. Clarke, and such other persons as shall be associated with them, are constituted a body politic and corporate, by the name of the Mobile Railway and Dock Company, and by that name may sue and be sued, and may have a common seal and may break and alter the same at pleasure. And the said company is hereby vested with all the privileges, powers and immunities necessary to carry out the objects and purposes of this act.

Incorporators

Name

Rights

Sec. 2. Be it further enacted, That the persons named in Section 1 of this act be and are hereby made the directors of said company for one year after the approval of this act, and until their successors are duly elected and qualified. Such board of directors may establish an office for said company in the City of Mobile, and shall meet at such office at such time as a majority of the board may agree upon to organize said company by electing such officers as they may deem necessary, may adopt by-laws for the government of said company, and shall open books of subscription to the stock of said company at such time and place as the directors may determine.

Directors

Sec. 3. Be it further enacted, That the capital stock of said company shall be five hundred thous-

Capital stock and dollars, and the par value of each share shall be one hundred dollars: Provided, however, Said company may increase its capital stock to an amount not exceeding five millions, if at a meeting of the stockholders a majority of such stockholders in value vote for such increase, a meeting for such purpose to be called after thirty days' notice given by publication in a newspaper published in Mobile and by mail to each stockholder. At all meetings of the stockholders of said company the holders of stock shall be entitled to one vote for each share of stock held individually or as trustee, and stock may be voted in person or by proxy. Subscriptions to said stock may be taken, to be paid for in land, material, timber, labor, services or money.

Lands Sec. 4. Be it further enacted, That said company may acquire and hold lands by purchase, subscription or donation, and when it is found that any land so acquired is not needed in the construction of said road or for its terminal facilities, said company may dispose of said land on such terms as the board of directors may determine.

Right of way Sec. 5. Be it further enacted, That said company is authorized to survey, locate and construct and operate a line of railroad from Dauphin Island at the mouth of Mobile bay or from some point on the east side of Mobile bay or from some point on Mobile river near Mobile in a northerly direction to and through the Warrior coal fields of Alabama, with such stations, side tracks, and depots as may be found necessary or convenient. For the purposes of construction said road is authorized to lay out its right-of-way one hundred feet wide, which right of way may be acquired by gift or purchase, and where land traversed is in the possession of any trustee, executor, administrator or guardian, such person is authorized to contract with said company and to convey such right of way. When necessary said company may condemn the use of land for its right of way or for terminal facilities in manner and form as the general law on that subject prescribes. The right of way is given by the State over any land belonging to the State, and when said line is

located a map showing the location over any land owned by the State may be filed in the office of the secretary of state, and the location shall be entered on the record of such title, and thereafter such land shall be held, or if sold shall be sold, subject to the use of said railroad for such right of way.

Sec. 6. Be it further enacted, That said company may build bridges over streams lying within this State, but where navigable streams are crossed draw bridges must be so constructed that the navigation of such stream may not be interfered with. Bridges

Sec. 7. Be it further enacted, That said company shall have authority to build wharves, docks, piers and warehouses on the Mobile river, but where such improvements are made within the jurisdiction of the Mobile River Commission such improvements must be subject to the approval of such commission. Wharves, etc

Sec. 8. Be it further enacted, That said company is authorized to build wharves, docks, piers, harbors and warehouses on the Bay of Mobile or on the Gulf of Mexico, but in case such improvements extend into the waters of the bay or gulf, they must be built subject to the approval of the secretary of war of the United States or of the United States Congress.

Sec. 9. Be it further enacted, That the directors of said company shall have power to establish such rates of toll for the use of its harbors, piers, docks, warehouses, and for the conveyance of persons and property upon said road, as they shall from time to time find to be reasonable and proper, and shall have the power to levy and collect the same for the use of said company, subject, however, to the laws of this State and of the United States. Toll

Sec. 10. Be it further enacted, That for the purpose of raising funds from time to time for the construction of its work and for the purchase of material and equipment, said company is hereby authorized to issue, negotiate, hypothecate or sell its bonds for such price and on such terms and at such rates of interest as may be deemed best by the Bonds

board of directors. For the payment of the principal and interest of said bonds, said company may mortgage the property, income and franchises of the company.

Right to
purchase

Sec. 11. Be it further enacted, That said company is authorized to purchase any other railroad or roads already built on the proposed line of this company, or to consolidate with any other railroad company upon such terms as a majority of the stockholders may determine and agree upon at a meeting or meetings called for that purpose after notice published in some newspaper published in the City of Mobile for three weeks, and the directors of said company may make agreements with the directors of other railroad companies for mutual exchange of business or for allowing the use of its tracks by other roads.

Belt line

Sec. 12. Be it further enacted, That said company is authorized to build a belt line around the City of Mobile from some point on the river above the city to some point on the river or bay below the city. If in constructing such belt line, it comes within the corporate limits of the City of Mobile, said company is authorized to use the streets of said city, first having obtained the consent of the mayor and general council of the City of Mobile and subject to such restrictions and charges as the city authorities may impose.

Contracts

Sec. 13. Be it further enacted, That the directors of said company are authorized to enter into a contract or contracts with persons or with construction companies for building a part or all of its railways or terminal improvements, to be paid for in the securities of said company or such part of the securities of said company as such contracting parties may agree upon.

Crossings

Sec. 14. Be it further enacted, In building its line or lines of railway the said company is authorized to cross the tracks of other railroads heretofore built in the State, and in case of failure of the officers of this company and such other companies to agree upon the amount of damages to be paid by this company for such crossing, then this com-

pany is authorized to condemn such crossing by proceeding under the statutes heretofore enacted for such purpose.

Sec. 15. Be it further enacted, That said company may construct, purchase or lease, and operate steamships, or other vessels, in connection with their railroad, for the purpose of transporting coal, iron and other products of merchandise, from and to its terminal facilities, or may make contracts with the owners of such ships or vessels for transporting freights from and to its docks and warehouses.

Approved February 18th, 1899.

No. 569)

AN ACT

(S. 215

To prohibit the sale of alcoholic, vinous or malt liquors in the County of Geneva, except in incorporated towns.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for any person or persons to sell vinous, spiritous or malt liquors at any place in Geneva county, except in towns now incorporated or which may hereafter be incorporated under the laws of this State.

Sec. 2. Be it further enacted, That any person or persons desiring to engage in the sale of liquors in any incorporated town of said county shall file with the judge of probate of such county an application in writing setting forth that he desires to engage in the sale of liquors in such town, naming the town, and he shall, in said application, request that an election be ordered to determine whether or not a license for the sale thereof shall be issued. Said applicant or applicants shall also file with the judge of probate a statement signed by ten reputable citizens of such town that he, the applicant, is of good moral character, and is a fit person to engage in the sale of liquor.

- Election Sec. 3. Be it further enacted, That upon the filing of such application and the statement, as provided in the preceding section, it shall be the duty of the judge of probate to forthwith order an election to determine whether or not license shall be issued for the sale of liquor in such town. All elections for this purpose shall be held on the first Saturday in the month of January of the year in which the applicant desires license. Said election shall be held at the town in which it is proposed that liquors shall be sold, and shall be conducted in all respects in conformity with the general election laws of the State, except as herein modified.
- Managers Sec. 4. Be it further enacted, That it shall be the duty of the judge of probate, on ordering said election, to appoint three suitable persons to act as managers of such election, of which notice shall be given, and all expenses of such election, including pay of managers and clerks, shall be paid by the person or persons at whose instance such election was ordered.
- Ballots Sec. 5. Be it further enacted, That the ballots used at such election shall have printed thereon the words "For license" and "Against license," and if a majority of the votes cast at such election be "for license" then license shall issue to the applicant; but if such should be "against license" then no license shall issue.
- Voters Sec. 6. Be it further enacted, That all legal electors residing in the precinct or beat in which the town, where it is proposed that liquor shall be sold, is situated and who are qualified electors under the laws of the State, shall have the right to vote at such election. And at such election, the voters of the precincts, as they stood before the attempted change made by the Commissioners Court on August 12th, 1898, shall determine said question.
- If for license Sec. 7. Be it further enacted, That immediately after any election held under the provisions of this act, it shall be the duty of the judge of probate to ascertain the result thereof, and if the result is "for license" it shall be his duty to immediately issue license to the applicant, upon the said appli-

cant conforming in all respects with the general laws of the State, except as modified herein.

Sec. 8. Be it further enacted, That any person ^{Penalty} or persons who sell liquor contrary to the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars.

Sec. 9. Be it further enacted, That all laws or parts of laws in conflict with this act be and the ^{Repeal} same are hereby repealed.

Approved February 18th, 1899.

No. 570)

AN ACT

(S. 321

To authorize the National Building and Loan Association of Montgomery, Alabama, to borrow money and secure the payment of the same.

Section 1. Be it enacted by the General Assembly of Alabama, That the National Building and Loan Association of Montgomery, Alabama, is hereby ^{May borrow money} authorized and invested with the power to borrow money to be used in paying off and redeeming the stock of its withdrawing members, and for the purpose of loaning the same to its stockholders, to be secured by pledging its mortgages or other securities, or by first mortgage on such of its property as it may elect to pledge as security for such loans.

Approved February 18th, 1899.

No. 571)

AN ACT

(H. 986

To establish a board of revenue for Jefferson county, and for the abolishment of the Court of County Commissioners of said county.

Section 1. Be it enacted by the General Assembly of Alabama, That there is hereby established a ^{Board of revenues} board consisting of four persons and the president,

to be called the board of revenue of Jefferson county.

Governor to
appoint

Sec. 2. Be it further enacted, That the members of said board shall be appointed by the governor, and except as hereinafter provided, shall hold their office until their successors are duly elected and have qualified, and in case of a vacancy the same shall be filled by the governor.

Power and
authority

Sec. 3. Be it further enacted, That said board shall have the power and authority to direct and control the property of the said county as it may deem expedient, according to law, to levy a general tax for general and a special tax for particular county purposes, according to the provisions of the Code of Alabama, and of special acts heretofore conferring power upon the Court of County Commissioners of said county; to examine, settle and allow accounts and claims chargeable against the county; to examine and audit the accounts of all officers having the care, management, collecting or disbursement of moneys belonging to the county or appropriated for its use and benefit; to have exclusive control of the convict labor of the county and the disbursement of the proceeds of the same; and the sole right and authority to bind the county in any contract for the payment of money.

Jurisdiction
and powers

Sec. 4. Be it further enacted, That said board shall have all the jurisdiction, and all the powers, which are now or may hereafter be by law vested in the Courts of County Commissioners of this State and the several members of the said board of revenue of Jefferson county, shall respectively perform all the duties and services, and exercise all the powers which are, or may be required by law, of the several members of Courts of County Commissioners.

Laws that
shall apply
to

Sec. 5. Be it further enacted, That all general laws hereafter enacted by the General Assembly of Alabama in relation to the jurisdiction, powers, authority, or duties of county commissioners in this State shall apply to said board of revenue of Jefferson county.

Sec. 6. Be it further enacted, That the president of said board shall be its presiding officer, and

shall have the same power and authority as other members in passing upon all questions, and shall sign the minutes of the proceedings of the board, and shall sign all warrants drawn on the county treasury and all orders for the payment or disbursement of money or funds of said county, and it shall be his duty to receive and prepare business and obtain information for the sessions of the said board, and to see to the execution of all orders thereof, and to report to the board all infractions of the revenue law in said county of which he can obtain authentic information. He shall exercise all the powers and perform all the duties required of the probate judge as to matters coming before the Courts of County Commissioners.

President and
his duties

Sec. 7. Be it further enacted, That said board may elect a clerk, who may be a member of the board, and fix his compensation, if in their discretion a clerk for said board is deemed necessary, who shall not be paid more than \$600 per annum.

Clerk

Sec. 8. Be it further enacted, That said board of revenue shall hold four sessions annually, viz: First Monday in January, April, July and October of each calendar year, and may hold special sessions at any time upon the call of the president or any three members.

Sessions

Sec. 9. Be it further enacted, That a majority of said board shall constitute a quorum for the transaction of business and no funds belonging to the county shall be drawn or paid out except as authorized by said board, and a proper list and registry of all sums drawn or paid out and of the nature of the claim and of the person in whose favor drawn or paid out shall be kept by either the president or clerk of said board.

Quorum

Sec. 10. Be it further enacted, That it shall be the duty of the clerk of each Court in said county and of the register in chancery to render to said board within ten days after the adjournment of the term of any Court in said county, a list under oath of all fines and forfeitures taken and judgments rendered during said terms for the use of said county.

Duty of clerks
of courts

Compensation of said board shall each be entitled to not exceeding \$5.00 dollars per day for each day of actual service rendered, five cents per mile for traveling to and from the sittings of said board to be paid out of the county treasury on the certificate or warrants signed by the president of said board: Provided, That no member of said board shall during any year receive more than one thousand dollars from the county treasury for any and all services rendered by him either as a member of the board or for any work or labor done for or service rendered to the county.

Commissioners court abolished Sec. 12. Be it further enacted, That the Court of County Commissioners of Jefferson county be, and the same is hereby abolished, and that the probate judge of said county is hereby relieved of his duty to the Court of County Commissioners of said county, which shall hereafter be performed by the president of the board. This act shall take effect immediately after its approval.

Elections Sec. 13. Be it further enacted, That there shall be elected at the next general election in the County of Jefferson, and every four years thereafter, five members of the board of revenue, who shall qualify within ten days after the returns shall have been canvassed and shall enter upon the discharge of their duties and hold their office for the term of four years.

Approved February 18th, 1899.

No. 572)

AN ACT

(H. 904

To incorporate the Guin High School, at Guin, in Marion County, Alabama.

Name

Section 1. Be it enacted by the General Assembly of Alabama, That John T. Carpenter, J. D. Westbrook, T. J. Springfield, L. Pearce and S. J. Baird, and their successors in office, be, and the same are hereby constituted a body corporate, to be known

by the name of the Guin high school and by such name and style shall have perpetual succession; may sue and be sued, plead and be impleaded as natural persons, may have and use a corporate seal, and change the same, may own and hold property both personal and real, acquiring by purchase, donations, bequests, devices or otherwise, to the amount of not more than forty thousand (\$40,000), dollars, which shall be exempt from taxation so long as the same is used for school purposes, and shall have power to buy, sell, lease, or mortgage any of its property.

Rights

Sec. 2. Be it further enacted, That the persons named in Section 1 of this act shall constitute the board of trustees for said school.

Trustees

Sec. 3. Be it further enacted, That in case of any vacancy occurring in said board, by death, resignation, removal from Guin school district, or otherwise, the same shall be filled by appointment by the governor.

Vacancy

Sec. 4. Be it further enacted, That the object and purposes of said corporation shall be to establish ment, organization and maintenance of an institution of learning of high grade, for the education of white males and females in the arts and sciences.

Objects

Sec. 5. Be it further enacted, That said board of trustees shall elect a principal of said institution for any term of years they may see fit, and contract with said principal for the same.

Principal

Sec. 6. Be it further enacted, That the trustees of said school in connection with the faculty thereof shall have the right to grant certificates of proficiency on the completion of the course of study prescribed by them.

Certificates

Sec. 7. Be it further enacted. That the corporate authorities of said school, with the faculty, shall have the power to make all rules, regulations and by-laws for the governing of said school and enforce the same, and to carry into effect the object and purposes of this act.

Rules

Sec. 8. Be it further enacted, That the school authorities shall arrange for said school to carry on a public school: Provided, Said public school shall

Public school

be under the direction of the school authorities of the State and governed by the general school laws of Alabama.

Reports

Sec. 9. Be it further enacted, That the principal shall make all necessary reports to the state superintendent of education, of the progress of said school.

Approved February 20th, 1899.

No. 573)

AN ACT

(H. 185

To repeal Section 1017 and Section 1018 of the Revised Code of 1896, in so far as the same relates to Jefferson and Montgomery counties.

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That Sections 1017 and 1018 of the Revised Code of 1896 be and the same are hereby repealed in so far as the same applies to Jefferson and Montgomery counties.

When act

takes effect

Sec. 2. Be it further enacted, That this act take effect and be enforced from and after its passage.

Approved February 21st, 1899.

No. 574)

AN ACT

(H. 1207

For the relief of Mary F. Pickens, Israel Pickens and Matilda Rose Pickens of Hale County, Alabama.

Preamble

Whereas, Israel Pickens, late of Hale county, Alabama, departed this life, leaving surviving him a widow, Mary G. Pickens, and Mary F. Pickens, Israel Pickens and Matilda Rose Pickens, as his only children and heirs at law, all of whom are under the age of 18 years, and reside with their mother, the said Mary G. Pickens, in said Hale county.

And whereas, The said Israel Pickens, at the time of his death, was seized of the following de-

scribed real estate, in Hale county, Alabama, to-wit: The southeast quarter of Section 12, Township 20, Range 4, also ten acres off of the south end of east half of northeast quarter of said section, which lies south of the Greensboro and Erie road; also that portion of south half of east half of the northeast quarter of said section which lies north of said road. Said land lying in Hale county, Alabama, and containing in all 208 56-100 acres, and which lands are now known as the Elm-Ridge plantation.

And whereas, The said children of Israel Pickens, together with their said mother, own said land in fee;

And whereas, Their said interest in said land can not be divided fairly and equitably among them by miles and bounds;

And whereas, The other property owned by the said children is insufficient to properly support and educate the said minors;

And whereas, It is to the advantage of the said minors that their said interest in said land be sold, and the proceeds of such sale be applied to their maintenance, support and education. Therefore,

Section 1. Be it enacted by the General Assembly of Alabama, That the said Mary G. Pickens, mother of the said minors, Mary F. Pickens, Israel Pickens and Matilda Rose Pickens, be, and she is hereby authorized and empowered, to sell the interest of said Mary F. Pickens, Israel Pickens and Matilda Rose Pickens, in and to the southeast quarter of Section 12, Township 20, Range 4, also 10 acres off of the south end of east half of northeast quarter of said section, which lies south of the Greensboro and Erie road; also that portion of south half of east half of the northeast quarter of said section which lies north of said road, lying and being in Hale county, Alabama, and containing 208 and 56-100 acres, and which lands are now known as the Elm-Ridge plantation, in such manner and on such terms as she may deem best.

Authority to
sell lands

Sec. 2. Be it further enacted, That on the payment of all the purchase money for such interest,

so sold as aforesaid, the said Mary G. Pickens, be, and she is hereby authorized and empowered to convey by a deed, executed by her to such purchaser, all of the right, title and interest and estate of the said Mary F. Pickens, Israel Pickens and Matilda Rose Pickens, minors as aforesaid in and to said real estate, and such conveyance shall invest such purchaser with full and complete title to the interest of the said minors in said land, against the all persons whatever claiming under, by or through them, or either of them.

Approved February 20th, 1899.

No. 575)

AN ACT

(H. 511

To amend Section 1 of an act to prevent the running at large of stock in certain portions of Elmore county, approved February 18th, 1891.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of an act entitled "An act to prevent the running at large of stock in certain portions of Elmore county," approved February 18th, 1891, be and is hereby amended so as to read as follows:

Stock district Section 1. Be it enacted by the General Assembly of Alabama, That it shall not be lawful for stock of any kind or description whatever to run at large in that portion of Elmore county known and described as Beat (16) sixteen, Township (17) seventeen, Range (17) seventeen, and those portions of Beat (10) ten and (17) seventeen, Township 18, Range, 17, commencing in the west on the dividing line, between the counties of Elmore and Autauga, where Little Mortar creek enters Elmore county, thence along on the south bank of Little Mortar creek, until its intersection with Big Mortar creek, thence along the south bank of said creek to its intersection with the Coosa river.

Approved February 20th, 1899.

No. 577)

AN ACT

(H. 1403)

To amend an act entitled "An act to provide for the permanent location of the county site of Shelby county, Alabama, by a vote of the qualified electors of said county," approved February 9th, 1899.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 6 of said act be, and the same is hereby amended so as to read as follows: "Sec. 6. Be it further enacted, That registration books shall be opened in each voting precinct and ward in said county on the day fixed by said board of commissioners for the registration of the voters of said county, which said registrars shall be appointed by said board of commissioners on the day said board of commissioners shall order the election, and the books of registration shall be kept continuously open thirty working days. A registrar shall be appointed for each voting place, in precincts having more than one voting place. No persons shall be entitled to vote in said election unless he registers before said registrar in the precinct or ward in which he resides within said time. The registrar shall require each and every elector who desires to register for the purpose of qualifying himself to vote in said election to take and subscribe the following oath, which shall in each case be administered by the registrar to the elector so registering: 'State of Alabama, Shelby county: I, the undersigned elector, do solemnly swear that I am a citizen of the United States, and of the State of Alabama, and over the age of 21 years, and that I have resided in said State one year next preceding the date fixed for holding the court house election for said county, and in said county three months, and precinct (specifying the particular precinct in which the elector desires to register), thirty days; and that I am a duly and legally qualified elector and am not in any way disqualified by law from voting in the approaching election to determine the

Section 6
amended

location of the county site of said county. That I am not disqualified by reason of conviction of any crime under which I would be disqualified under the general laws of this State.' The several precincts and ward registrars shall, immediately upon the closing of the books of registration, in their respective precincts and wards, make a true copy and list of names registered in such precinct or ward and certify the same; and shall immediately after the expiration of the time herein prescribed for registration deliver the original registration list together with certified copy thereof, to the board of commissioners for said election, who shall file and securely keep the same. And such board of commissioners shall deliver to the inspectors of the election, appointed as hereinafter provided, for the several precincts or wards, immediately preceding such election, the certified copy of said registration for said precinct or ward returned by the beat registrar."

Section 8
amended

Sec. 2. Be it further enacted, That Section 8 of said act shall be amended so as to read as follows: "Sec. 8. Be it further enacted, That it shall be the duty of the said board of commissioners, at least twenty days before the time appointed for holding said election as prescribed in Section 1 of this act, to meet at the court house at Columbiana, and select and appoint three inspectors, two clerks and one returning officer, to hold and conduct said election for the several voting wards and precincts of the county respectively. One of said inspectors and one of said clerks shall be appointed in each voting precinct and ward of said county upon the recommendation of the mayor of Columbiana; one of said inspectors and one of said clerks of each precinct and ward in said county shall be appointed upon the recommendation of the mayor of the City of Calera, and a third inspector and returning officer for each precinct and ward of said county shall be selected by the said board of commissioners. In the event the mayor of Columbiana shall fail to recommend a person for inspector and clerk for each voting precinct and ward of said county, the mayor

of Calera and treasurer of Shelby county shall appoint one person from each of said voting precincts and wards, who is favorable to the location of said county site remaining in Columbiana, if practicable to do so; and if the mayor of the City of Calera shall fail to recommend a person for inspector and clerk for each voting precinct and ward in said county, the Mayor of Columbiana and treasurer of Shelby county shall appoint one person from each of said voting precincts and wards, who is favorable to the removal of said county site to Calera, if practicable to do so, and said board of commissioners shall notify, or cause to be notified, such persons so appointed as aforesaid of their appointment; the true meaning and intent of this act being to provide for a full and fair representation of both sides in the conduct of said election."

Sec. 3. Be it further enacted, That Section 11 of said act be amended so as to read as follows: "Sec.

11. Be it further enacted, That the polls for said election shall be opened at the usual voting places in the several voting precincts and wards in said county by the inspectors appointed as herein provided for, not earlier than eight o'clock a. m., nor later than nine a. m. and shall be kept open continuously until 5 p. m. In case any election manager, clerk or returning officer, appointed as hereinbefore provided, shall fail to appear and discharge his duties as such in the conduct and holding of said election, it shall be the duty of the remaining inspectors, clerks and returning officers to fill the vacancy thereby caused by the appointment of another inspector, clerk or returning officer as the case may be, and in filling such vacancy it shall be their duty to appoint an inspector, clerk or returning officer, entertaining the same views as to the retention or removal of said court house as the absent inspector, clerk or returning officer, if practicable: Provided, however, That such absent inspector, clerk or returning officer shall be appointed upon the recommendation of the voters present at the time who entertain the same views as to the retention or removal of said court

Section 11
amended

house, as the absent inspector, clerk or returning officer: Provided, Such person shall make such recommendation."

Section 12
amended

Sec. 4. Be it further enacted, That Sec. 12 of said act be amended so as to read as follows: "Sec. 12. Be it further enacted, That immediately after the closing of the polls on the day of said election provided for it shall be the duty of the inspectors of the election at the several precincts and wards in said county to count the ballot and certify the number of votes cast for Columbiana and the number of votes cast for Calera and they shall also securely seal up and label the ballots cast at said election so as to show the precinct or ward in which they are cast and shall deliver the same, together with the certificate of the result of such election and the registration list for said precinct, together with the poll list of electors in said precinct, securely sealed to the returning officer of said precinct or ward, and it shall be the duty of said returning officer, within forty-eight hours after receiving such returns, ballots, registration list and poll lists, to deliver the same to said board of commissioners or to such one or more of them as may be present at the office of the mayor of the City of Calera, to be by such mayor securely kept until it shall be necessary to remove the same to Columbiana for the purpose of canvassing the returns and declaring the result of said election. Said board of commissioners or a majority of them, shall have the power, and it shall be their duty in making said canvass and ascertaining the result of said election if they shall deem it necessary and proper, to examine and recount the ballots for any precinct or ward in said county. And they shall also, if they deem it necessary and proper, examine and compare the original registration lists or poll lists made for said election with the registration lists or poll lists sent up with the several returns. They shall also have power and authority to reject in such count any ballots shown to be illegal.

Sec. 5. Be it further enacted, That Sec. 21 of said act be amended so as to read as follows: "Sec. 21.

Be it further enacted, That before entering upon the discharge of the duties imposed upon them by this act, each registrar, inspector, clerk and returning officer shall take an oath faithfully and impartially to perform the duties required of them by this act, which oath may be administered by any person authorized to administer an oath, or by one another."

Section 21
amended

Sec. 6. Be it further enacted, That said act shall be amended by adding thereto the following additional sections, to-wit:

"Sec. 26. Be it further enacted, That it shall be the duty of the board of commissioners to furnish the several registrars and inspectors of election with necessary blanks and stationery for the purpose of making the registration of votes and holding elections as provided in this act, and it shall be the duty of the county treasurer of Shelby county to pay for such blanks and stationery on the order of the board of commissioners.

Blanks

Sec. 27. Be it further enacted, That the petition for holding the election and the several orders and proceedings made and had thereon, by the board of commissioners, created by this act, may be filed by said board in the office of the judge of probate of Shelby county, who shall thereupon record the same in the minute books of the Probate Court of said county, when so filed or recorded a certified copy shall be admissible in evidence in the several Courts of the State, but the failure to so file or record shall not affect or invalidate any election held thereunder.

File for
record

Sec. 28. Be it further enacted, That if said election results in favor of the moving county site to Calera it shall be the duty of the Court of County Commissioners to have erected as soon as practicable all public buildings for the county at Calera except the poor house, and if they deem it advisable they may have the buildings now at Columbiana belonging to the County of Shelby, removed to Calera or use the material in them or any part thereof towards the erection of any buildings at Calera, the county may need; or they may sell the

Public
buildings

buildings at Columbiana, as in their judgment may be for the best interest of the county.

Sec. 29. Be it further enacted, That this act and the act to which this is amended shall take effect immediately upon the passage and approval by the governor.

Approved February 20th, 1899.

No. 578)

AN ACT

(H. 1057

To relieve Albert C. Walker and John F. Walker of Henry county, of the disabilities of non-age.

Whereas, Albert C. Walker, of Henry county is under the age of eighteen years, and John F. Walker of said county is under the age of sixteen years; whereas, they, the said Albert C. Walker and John F. Walker are brothers, and the only minors in a family of six children, who are the joint owners of land and town property situated in and near the Town of Columbia, in Henry county;

Whereas, said lands and town property was sold for its taxes in the year 1894;

Whereas, it is important that said minors be relieved of the disabilities of non-age and have control of their interest in said estate so as to enable them to redeem the same from the State, who was the purchaser.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That said Albert C. Walker, and John F. Walker be, and they are hereby relieved of the disabilities of non-age, and shall have the right to sue and be sued, contract, and be contracted with, to purchase and convey real estate, and generally to do and perform all such acts which they, or either of them could lawfully do if twenty-one years of age.

Approved February 20th, 1899.

No. 582)

AN ACT

(S. 453)

To incorporate the Elmore County Deposit and Trust Company.

Section 1. Be it enacted by the General Assembly of Alabama, That J. A. Lancaster, W. L. Lancaster, R. T. Goodwyn and such other persons as shall hereafter become associated with them and their successors and assigns, be, and they are hereby constituted and made a body politic, and corporate, with perpetual succession under the name of the Elmore County Deposit and Trust Company, and by such name shall be competent in law to contract and be contracted with, sue and be sued, plead and be impleaded in any Court having jurisdiction of the matters involved; to have a common seal, which may be changed, to make such by-laws and regulations for the management of their business and the control of their officers, agents and servants, as they may deem proper, not inconsistent with the laws and Constitution of this State, or the United States, and to have and exercise the rights, powers and privileges incident to such corporations, and those hereinafter specially conferred.

Incorporators

Name

Sec. 2. Be it further enacted, That said corporation shall have the right and power to buy, sell, hold and mortgage real and personal property, and other security; to purchase, sell and hypothecate mortgages and deeds of trust and other evidences of debt; to purchase, and sell United States government, State, county and municipal bonds, and other securities; to buy and sell real estate, personal property and securities of any description, on commission; to negotiate loans and to guarantee the payment of the principal or interest, one or both thereof if desired; to issue bills of exchange, foreign or domestic; to discount, buy, sell, hypothecate and collect bills of exchange, promissory notes or other evidences of debt or bonds or securities, or choses in action, to buy, sell and hypothecate gold and silver bullion and coin; to receive deposits of money

Powers

or other things of value; to endorse or become security for individual firms or corporations, who may negotiate loans through it; to accept and execute such trust as may be committed to it by individuals, corporations or courts; to become surety for an amount not exceeding five thousand dollars upon any land required of any officer or by any Court in the County of Elmore, Alabama.

Broker

Sec. 3. Be it further enacted, That said corporation shall have the power and authority to act agent or broker of or for any resident or non-resident corporations or natural persons in and about the negotiating, obtaining and placing loans on real estate, mortgages or other security, bearing interest, and to act therein for either the borrower or lender, or for both, and to charge and receive from either or both such compensation or commission for its services in the premises as may be agreed upon between it and the party or parties for whom the service is rendered.

Agent

Sec. 4. Be it further enacted, That said corporation shall have the power and authority to act as fiscal agent of any State, county, town, domestic or foreign corporation, or municipal corporation in receiving, disbursing or investing money of other property or for issuing, registering or countersigning bonds or certificates of stock and paying coupons, negotiating the sale of securities or bonds, or guaranteeing their payment; and for such services may charge and collect such compensation as may be agreed upon.

Capital stock

Sec. 5. Be it further enacted, That the capital stock of said corporation shall be fifty thousand dollars, said capital stock shall be divided into shares of one hundred dollars each, and the stock of each stockholder shall be liable to said corporation for all debts or demands due it on said stock, and said stock may be sold for such debts in such manner as shall be prescribed by the by-laws of said corporation. The managing board of said corporation shall consist of not less than three nor more than five directors, who shall, in their by-laws, provide for the creation of such officers, agents and ser-

vants and for the holding of such regular or stated meetings as they may deem necessary. The principal place of business of said corporation shall be at Wetumpka, Elmore county, in this State, but it may establish agencies or branch offices at other places.

Sec. 6. Be it further enacted, That said corporation shall be authorized to commence business when fifty per cent. of the capital stock is subscribed for by actual bona-fide subscribers and twenty per centum of such subscription is actually paid in.

When to
commence

Approved February 20th, 1899.

No. 583)

AN ACT

(S. 356

To amend the act of the Legislature of Alabama, which was approved February the 22nd, 1883, entitled "An act to incorporate the Scottsville Manufacturing Company, and to allow said company to construct railways and tramways to connect with other; and to change the name of said corporation, and to enlarge its powers.

First, Be it enacted by the General Assembly of Alabama, That the name of said corporation is hereby changed to Scottsville Mining and Manufacturing Company.

Name
changed

Second, Be it further enacted, That in addition to the corporate powers conferred upon it by Sec. 2 of the said act approved February the 22nd, 1883, the following additional powers are hereby conferred on it: That the said corporation shall have power to mine, and transport by land or water, and buy and sell coal, iron ores and minerals of all kinds, and to manufacture, transport and sell coke, iron and steel in their crude and finished state and all other products from iron, steel and coal or other minerals, and to do all things incident to, or in aid of such business. And be it further enacted, That said corporation shall also have power, which is hereby given it, to contract for, buy, own, use,

Powers

Powers

sell or exchange all such lands, timber and mineral rights and other rights in or to lands, and personal property of all kinds, as may be deemed desirable for the purpose of said business, or in connection therewith, and the same to lease, let or rent; to purchase, build, own and operate, such steel plants, furnaces, rolling mills and buildings, structures and appurtenances as may be deemed needful in carrying on its business in the most efficient and advantageous manner. Said corporation shall also have the right and power to lease or purchase, or to lay out and construct, and use and equip, maintain and operate such tramways, railways, and each and every other suitable means of transporting persons or material, or its outputs and products, to any market, as may be considered beneficial in its business. Said corporation shall also have the right and power to construct, lay and make any dams, reservoir, ditch, canal, pipes, or aqueducts of any kind that it may deem advantageous in utilizing the water power of Schultz's creek, or its tributaries, in its business, wherever the same may be useful and advantageous therein: Provided, The said corporation shall first acquire by purchase from the owners thereof such lands and riparian rights, and the right to use such water power as may be necessary therefor; and said corporation shall also have the right and power to construct, buy, own, lease, maintain and operate gas and electric plants, for furnishing heat and power, or either; and it may sell and furnish such gas and electric light or electric power, and water power, to such persons or corporation or corporations as may have need of them or either of them, on such terms and in such manner as it may desire. Said corporation may construct, buy, own, lease, maintain, operate and sell warehouses, docks, and storage yards, and all terminal properties, useful or advantageous, in the conduct of its business: Provided, That the said corporation shall possess or lawfully acquire, the right of way for any railway it may see fit to construct, before such construction of such railway; and it shall have the power, which is hereby confer-

red upon it, to condemn lands, or any interest therein, for such right of way, or for other railroad purposes in the manner now provided by law.

Third, Be it further enacted, That said Scotts-ville Mining and Manufacturing Company, be, and it is hereby authorized and empowered to execute and issue its first mortgage bonds, to the amount of seventy-five thousand dollars, and to secure their payment by a mortgage or deed of trust upon its property; and to sell the same or otherwise dispose of them for the purposes of developing its property, or for the purchase of property as may seem best to its board of directors.

Approved February 20th, 1899.

No. 584)

AN ACT

(H. 606

To establish a new charter for the district of Opelika.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the district of Opelika, in the County of Lee, shall be and continue a body politic and corporate by the name of the District of Opelika, hereinafter called the City of Opelika, and by the name of the District of Opelika may sue and be sued, contract and be contracted with, receive and grant, and do all other acts as natural persons in respect to the powers herein granted, and may purchase, receive, hold, or let, sell, alien, grant or assure real, personal and mixed property, and dispose of the same for the use and benefit of the city, and may have and use a city seal, which may be altered at pleasure.

Sec. 2. Be it further enacted, That the corporate limits shall embrace and consist of the following described tracts, lots and parcels of land, to-wit: All of Sections 7 and 18 and the west halves of Sections 8 and 17, in Township 19, Range 27, and the east halves of Sections 12 and 13, in Township 19, Range 26, in Lee county, Alabama.

Officers of

city

Sec. 3. Be it further enacted, That the government of said city shall consist of, and its corporate powers be exercised by, a mayor and eight aldermen, hereinafter called the board, who are residents of said city, and who shall be elected as hereinafter provided for. That the Opelika police board, who are in office when this act takes effect, shall remain and continue in office, and exercise all the rights and powers, and perform the duties thereof until the fourth Monday in April, 1899, or until their successors are elected and qualified. That there shall be elected on the third Monday in April, 1899, and biennially thereafter on the third Monday in April, a mayor and eight aldermen, whose term of office shall begin on Monday next after their election and continue for two years, and until their successors are elected and qualified. Elections holden under this act shall be by ballot by the male inhabitants of said city who are of and over the age of twenty years, who have resided in said city for three months and are qualified voters under the general election laws of the State. Should the election not take place on the day fixed for the election of mayor and aldermen, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office till their successors are elected and qualified, and it shall be the duty of the mayor and aldermen to fix some day as early as convenient within one month thereafter, on which the election shall be held, and should the mayor and aldermen fail or neglect to provide for the election as herein directed, they shall be guilty of a misdemeanor. And should a vacancy occur in the board by death, resignation, removal from the city, or from any other cause except on a contest of election, the remaining members of the board shall fill the vacancy at the next regular meeting of the board, or as soon thereafter as practicable.

Wards

Sec. 3½. Be it further enacted, That said District of Opelika shall be divided into four wards, whose boundaries and limits shall be as follows, to-wit: The first ward shall be and consist of all that por-

tion of the District of Opelika lying northwest of the Western railway and northeast of Chambers street; the second ward shall be and consist of all the portion of the District of Opelika lying southwest of Chambers street and northwest of the Western railway; the third ward shall be and consist of all that portion of said District of Opelika lying southeast of the Western railway and southwest of Chambers street, and the fourth ward shall be and consist of all that portion of the District of Opelika lying southeast of the Western railway and northeast of Chambers street; that in said election the said aldermen shall be selected, two from each of said wards, and said aldermen so chosen shall be resident citizens of the respective wards which they are chosen to represent.

Sec. 4. Be it further enacted, That the elections Elections for mayor and aldermen held under this act, shall be conducted according to the laws governing elections for officers under the laws of this State as far as the same may be applicable except as herein otherwise directed. That it shall be the duty of the mayor and city clerk to provide for the opening of the polls, and to give ten days notice of the election by publication in some newspaper of the city of the time and place of holding such elections and the names of the inspectors. The said board of mayor and aldermen shall appoint to conduct said election three inspectors, two of whom shall be of opposing factions, who shall be qualified voters in said election, and who shall also perform the duty of returning officers. The inspectors shall, as soon as the polls are closed, proceed to count the ballots cast, and certify the result of the election to the mayor and aldermen of said city. They shall enclose the ballots cast, their certificates and the poll list in a box, and after carefully sealing the same, deliver said box with its contents to the clerk of said city, who shall give said inspectors his receipt for said box, stating in the receipt the condition of said box when received by him, and on the following Monday deliver the said box and contents to said mayor. The mayor and aldermen

Elections

of said city, or a majority of them, shall immediately after the delivery of said box, poll list and inspectors certificate, proceed to open said box, and by a verification and footing up of said returns so made by said inspectors (and by a count of the vote if deemed necessary by the board) ascertain which of the candidates have received the highest number of votes for the respective offices, and declare their election to the respective offices of the persons who shall have received the largest number of legal votes for the respective offices to be filled at said election, and shall give certificates of election to the persons so found to be elected. In case said mayor and aldermen, or a majority of them were candidates at said election, then the city clerk and chief of police of said city shall foot up the returns after being duly sworn to act honestly in the premises, and declare the result and issue the certificates of election as above stated. The said certificates of election so issued by the mayor and aldermen or a majority of them, or by the city clerk and chief of police, shall entitle the persons so certified to the possession of their respective offices immediately upon the expiration of the term of office of their predecessors as fixed by law, subject, however, to contestation of their rights as is hereinafter provided.

Contests

Sec. 5. Be it further enacted, That any election held under this act may be contested by any qualified elector in said city, by the contestant filing his grounds of contest in the office of the clerk of the Circuit Court of Lee county and giving security for the costs of such contest, to be approved by said clerk. The contestant must make the statement of the grounds of contest and give notice to the person whose election is contested within twenty days after he is declared elected by having served on him or left at his usual place of residence by the sheriff or some constable of the county, a copy of the grounds of contestation, verified by oath of the contestant, or some one for him, that he believes the same to be true. Such contest must be heard and decided by the judge of

the Circuit Court, but either party may demand a trial by jury, whereupon issues must be made up under the direction of said judge and submitted to a jury. The said Circuit Court shall have jurisdiction to determine the contest and render the proper judgment and enforce the same. If the person whose election is contested is shown to be ineligible, judgment must be rendered declaring the election void as to such office, and the vacancy must be filled by the board. The said election may be contested for fraud of any manager of the election, or ineligibility of the person declared elected, or on account of illegal votes, or for offers to bribe or bribery, or any other misconduct calculated to prevent a fair, full and free exercise of the elective franchise by those entitled to vote at said election. The said court may adjudge the cost of said contest as in its discretion it may deem just. If it appears that the contestant received the highest number of legal votes cast at the election, he must be declared elected. If it appears that two persons have received an equal number of votes, it must be so adjudged and the office must then be filled by an election by the board. The said Circuit Court shall have full power to prescribe rules for procedure in such cases, and cite the party whose election is contested to appear and make defense and to enforce obedience to its orders.

Sec. 6. Be it further enacted, That a majority of said board of mayor and aldermen shall constitute a quorum, and that a majority of said board must be present at the meeting in order to transact any corporate business, but any number, not less than four, may assemble at their regular place of meeting and adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the board may prescribe; that the board may determine the rules of its proceedings, may fine its members for absence or disorderly behavior while said board is in session. In the absence of the mayor at any meeting of the board the members present may select a presiding officer, and in case of sickness or tem-

Duties and
powers of
mayor

porary absence of the mayor from the city, or inability to serve from other good cause, he may appoint any one of the aldermen to act as mayor pro tempore, and the alderman so appointed shall have all the powers and perform all the duties of the mayor until the mayor resumes his office.

Sec. 7. Be it further enacted, That it shall be the duty of the mayor to preside and keep order at the meetings of the board; he shall call special meetings of the board whenever, in his opinion, the interest of the city requires it; and he may punish any contempt while the board is in session by a fine not exceeding \$25, and by imprisonment for not longer than forty-eight hours for each offense, one or both, to be enforced in the same manner that judgments of the recorder are enforced, and by the same officers. He shall keep an office in said city, and shall receive such fees or salary, one or both, as the board shall prescribe as compensation for his services. The mayor shall be ex-officio recorder and shall perform the duties of said office as hereinafter prescribed. The mayor shall have the right whenever, in his judgment, the good or safety of the city requires it, to require the aid of the sheriff of Lee county, and may also require the aid of any military or volunteer company in said city for the protection of said city and the maintenance of peace and order therein. He shall semi-annually make a statement to the board in writing of the financial condition of the city, which statement shall be published in at least one paper published in said city. He shall have the power to suspend the chief of police or any member of the police force until the next meeting of the board, when he must report the fact of such suspension to the board and his reason therefor, that it may take such further action as it may deem advisable. The mayor shall see that all contracts or agreements with the city are faithfully kept and performed, and to this end he shall cause legal proceedings to be instituted and prosecuted against all persons or corporations failing to keep their agreements with the city. The mayor shall

have the power to remit or commute fines, costs, forfeitures and penalties, duly imposed for violations of any ordinance or charter provision, but he shall make a report of the same in writing to the board at its next session thereafter. The mayor shall execute all contracts and bonds required in judicial proceedings in the name of the District of Opelika. In all judicial proceedings where, by law, bonds and securities are required for litigants bonds shall be given for the said municipal corporations, but no securities shall be required therefor, and all such bonds executed in the name of the District of Opelika by the mayor without securities shall be taken by the Courts of the State as a full compliance of the law in such cases, and all laws or parts of law inconsistent with this provision are repealed so far as the District of Opelika is concerned. The mayor shall exercise general supervision over the fiscal affairs of the city. He shall be charged with faith and credit of the city in relation to its debt and other liabilities, and he shall be the chief executive officer of the city. He shall perform all such other duties in addition to these herein prescribed, not inconsistent with the laws of the State and the provisions of this charter, as may be required of him by the board. At all meetings of the board the mayor or alderman presiding, may vote upon all questions, motions, or resolutions presented, as if he were not presiding, and in the event of a tie vote, the question, motion or resolution must be held to have failed for want of a majority in its favor.

Duties and
power of
mayor

Sec. 8. Be it further enacted, That the board may appoint a chief of police, clerk and treasurer of said city, and such other officers as they may see fit and think necessary for the good government of the city, and to carry out the provisions herein granted and may prescribe the duties of such officers and their liabilities and powers, and may require them to give bond in such sum as they may see fit for the faithful discharge of their duties, and may remove and discharge any of its officers and employes at pleasure, and fix the salaries of

Other city
officers

the same. For any breach of the bond of such officers suit may be brought in the Circuit Court of Lee county, or other Court having jurisdiction, and such suit shall be conducted in like manner as other suits of like character. The said board shall cause to be kept a regular record or minutes of all proceedings, orders, regulations, resolutions and ordinances of the board, which shall be read to the board, and signed by the mayor or acting mayor, when approved by the board, and the same shall have the force and effect of the record, and a copy thereof certified by the clerk shall be prima facie evidence in any Court or elsewhere, which record shall at all times be open for inspection. The board may, however, adopt a city code, or compilation of ordinances, without setting out the same in full in its record.

Chief of
police

Sec. 9. Be it further enacted, That the chief of police shall have in said city all the powers of a constable under the laws of this State, and be entitled to the fees of such constable. He shall possess within said city all the powers of a peace officer. He shall execute the orders, notices and processes of the board or of the mayor or of the recorder, and shall have power to make any arrest with or without warrants, and shall perform such other duties as the board may prescribe: Provided, He shall not be compelled to execute any process as constable, or perform any of the duties thereof, except by order of the board, mayor or recorder.

City recorders
court

Sec. 10. Be it further enacted, That the city recorder shall keep an office in said city, and shall hear and determine all cases of violations of by-laws, ordinances or charter of the city, and impose the penalties prescribed therefor; and it shall be his duty to report to the board, at least once a year under oath, all fines, penalties and forfeitures fixed by him or by an aldermen acting in his stead; and he shall possess within the corporate limits all powers and jurisdiction of a justice of the peace in civil and criminal cases, provided, that he shall not be required to take jurisdic-

tion of, try or determine, any cause, as ex-officio justice of the peace that has already come before him as recorder. In case of the absence, death or failure to act from any cause, of the recorder, any alderman may act as such recorder. The recorder, or any alderman acting in his stead, trying any violations of the charter or by-laws or ordinances shall, upon the conviction of said person, have power to impose a fine not exceeding \$50 or to imprison or to sentence to hard labor for the city not exceeding sixty (60) days, one or both (except in cases where a different punishment is prescribed by this act), and all persons convicted of a breach of any by-laws, ordinance or charter provision, failing to pay or secure such fine, may be imprisoned for such failure, or placed to hard labor for the city until the fine and costs are paid, in such manner and for such time as the board may direct. If any person tried in the Recorder's Court is dissatisfied with the judgment of the recorder, or alderman acting as recorder, he may appeal to the Circuit Court of Lee county, said appeal to be returnable to the next term of said Court if taken in vacation, and to the present term if in term time, by giving bond with at least two good sureties, payable to said municipal corporation, to be approved by the recorder or alderman trying the case, in such sum as he may prescribe, conditioned to appear in said Circuit Court when said case is called for trial and from term to term thereafter until discharged by law, or in any event, to pay such judgment as the said Court may render on such appeal; but unless such bond be given within five days from the date of the judgment in the Recorder's Court, then no appeal shall be allowed from such judgment. The proceedings in the Circuit Court on such appeal shall be in all respects as provided by law, in case of appeal from a judgment of a justice of the peace in civil cases, except as herein otherwise provided. On the trial of any such appeal in the Circuit Court of Lee county, any code or book containing the by-laws or ordinances of said city and purporting on the face thereof to

City recorders
court

City recorders
court

be printed, published or prepared by authority of said city, shall be received as evidence of the contents thereof without further proof. From the judgment of the said Circuit Court the defendant may appeal to the Supreme Court of the State, and in all civil and quasi criminal cases the city may appeal to said Supreme Court. The recorder, or alderman acting as such, shall have power to administer oaths, and to compel the attendance of witnesses, and the production of papers and books; and shall have power to punish by fine not exceeding \$10 and by imprisonment not exceeding twenty-four hours, any person guilty of a contempt of court. The recorder, or alderman acting as such, shall have jurisdiction of all proceedings by motion, scire facias, or other writ instituted for the collection of any penal bond payable to said city, taken under the charter ordinances of the city, to compel the attendance of any person to answer a prosecution in said Recorder's Court, and upon his judgment rendered in such proceedings, execution may issue and be enforced as executions from Justice Courts. The recorder shall, after his election and before exercising the duties of his office, file with the clerk of said city an oath of office, taken and subscribed before some officer authorized by law to take and certify oaths, that he will honestly and faithfully perform the duties of his office during his term to the best of his skill and ability. All prosecutions for violations of the charter, by-laws and ordinances of said city that are now pending, or that may be pending at the passage of this act, shall in all respects be governed by the laws existing at the time such offense was committed; nor shall any offense already committed, but for which no prosecution has been begun, be affected by this act, but the same may be prosecuted in all respects as authorized by the law existing at the time of the commission thereof, which law is hereby continued in force for such purposes.

Sec. 11. Be it further enacted, That the said mayor and aldermen of said city shall have full power and authority: First. To make, adopt and

declare motions, resolutions, by-laws, ordinances and orders in whatever manner and upon whatever subject they see fit to carry out the powers herein granted, and for the good government and order of said city, and to affix thereto penalties for the violation of the same by fine not exceeding \$50, and by imprisonment or hard labor for the city not exceeding sixty days, one or both, and all persons convicted for any breach of by-laws or ordinances or charter provision, failing to pay or secure such fine, may be imprisoned for such failure, or placed to hard labor for the city until such fine and costs are paid, in such manner and for such time as the board may direct, not longer than sixty days. Second. To pass all laws and ordinances necessary and proper to prevent contagious and infectious disease from being introduced into said city; to establish and regulate an efficient quarantine in said city, and within ten miles thereof, and to punish any breach of quarantine laws; to maintain the health and cleanliness of the city, and to this end to adopt and maintain an efficient system of sewerage; to adopt such ordinances and regulations as the board shall deem necessary or expedient for the protection of health, and to maintain a good sanitary condition in public places and on private premises in the city; to prescribe the duties and fix the salaries and compensation of all such health officials as they deem necessary under the existing health laws of the State. Third. To prevent and remove all nuisances at the expense of the person causing the same, or upon whose premises the same may be found, and to declare the costs of such removals to be a lien on the property from which the nuisance is removed, and to collect the same as taxes are collected; to prevent the owners of property in the city from having or permitting pools or ponds of stagnant water thereon, and to cause the same to be removed at the cost of the owner; to control and regulate slaughter houses, and confine the same within specified limits within the police jurisdiction of the city. Fourth. To aid,

Powers

To prevent
contagionTo prevent
nuisances

Hospitals, etc	establish, set up and regulate hospitals, poor houses, work houses and houses of correction.
Whiskey and theatricals	Fifth. To license, tax, regulate and restrain theatrical or other amusements; and the selling, retailing, wholesaling or giving away of vinous, malt, spirituous or intoxicating liquors, and to close houses and places for the sale of intoxicating liquors, when, in the opinion of the board, the public safety or peace may require it; but this provision as to liquors is made and shall be exercised, subject to the existing laws for the sale of liquors in the district of Opelika, and such laws are not repealed or affected by this act, but are hereby continued in force. Sixth. To restrain or prohibit gaming, gambling houses, houses of ill-fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies and public indecencies, and to restrain or prohibit cock fighting, and all games and sports of an immoral character. Seventh. To appoint and regulate night and day watchmen, police, patrol, and captains thereof, and to maintain a police force of such officers and patrolmen as they may deem necessary. Eighth. To establish, regulate and control markets and market houses, and to pass by-laws and ordinances regulating the sale of meats, vegetables and other like articles within certain places and within certain houses. Ninth. To sink, repair and regulate public wells, and cisterns, to establish
To restrain gambling and other vices	fire plugs and public hydrants, and to make all needful provisions for the supply of the city with water, gas and gas lights, electric or other lights, and to control street lamps; to contract for the lighting of the city and its supply with water, and to contract for maximum rates for light, water, and heat to private consumers. Tenth. To maintain crematories for the destruction of garbage, either within or without the city limits, and to purchase and hold farms and lands for the farming and use of such garbage. Eleventh. To establish, streets avenues and alleys, and regulate and control the paving and curbing of streets and sidewalks, and the fixing and giving the grade thereof; to compel the removal of obstructions from any highway in the
Police	
Markets	
Water and gas	
Garbage	
Streets and sidewalks	

city, and to open, alter, widen, extend, grade, cut down, fill in and pave, or otherwise alter and improve all streets, avenues, sidewalks, alleys and public places of the city; but before opening or widening any street or alley they shall pay to the owners of such real estate as is appropriated therefor such amount as the same shall be appraised at by a board of appraisers, composed of three citizens, taxpayers of said City of Opelika, one of whom shall be named by the owner of such real estate, one by the mayor and aldermen, and the two thus named to select the third, but the said mayor and aldermen shall not be liable for a failure to exercise this power. Twelfth. To establish and build drains, sewers, aqueducts and reservoirs, and to regulate the same, and to pass all laws, ordinances and resolutions to compel owners of lots or real property to ditch and drain the same at the expense of the owner, and to punish any refusal or neglect of such owner or party in charge of such lot or property. Thirteenth. To establish, lay out and improve public parks and regulate the same. Fourteenth. To establish, regulate or change the fire limits within said city, and to pass all laws necessary for the protection of the city against fire, and for this purpose may remove any wooden building or structure, paying the owner thereof a reasonable price, to determine within what limits wooden buildings shall not be erected, and to prevent the reconstruction, repair or enlargement in wood of old buildings within such limits, and to condemn buildings and verandas, and parts thereof which are dangerous or insecure, and to tear down the same, when the owner, on notice fails to do so, and to regulate or prohibit the erection of awnings or verandas on or over the sidewalks or streets of the city; to regulate and control the erection of powder magazine within three miles of the city, and to prevent explosives and dangerous substances from being stored within the city, and to regulate the manner in which explosives may be hauled or kept in the city. Fifteenth. To own, lay out, regulate,

Sewers and
aqueducts

Parks

Fire limits

Cemeteries	improve and control city cemeteries, either within or without the city limits, and to sell burial lots in the same. Sixteenth. To prevent the running at large on the streets of all cows, hogs, dogs, or other animals, and to pass all laws deemed necessary by the board for the sale and impounding of said animals; to prevent live stock from being driven through the streets of the city in drove.
Animals at large	Seventeenth. To prevent the sale of impure or adulterated food, or the sale of diseased or unsound meats, or decayed fruits and vegetables, or other unwholesome articles of food. Eighteenth. To authorize the use of the streets of the city for horse, steam or electric railroads, and to regulate the same, and to attach conditions to any grant of franchises, and to compel such companies to have and keep in repair such parts of the streets, bridges and crossings, over which their cars run, as the board may deem proper; to regulate the use of the street for the erection of telegraph, telephone, electric and all other systems of wires and conduits, and to require same to be placed under ground if deemed necessary for public convenience or safety. Nineteenth. To punish all offenses against the peace, good order, morals, health sanitation of the city, or against the person or property of the citizens, and to punish any act which is by law a crime or misdemeanor against the State.
Prohibit sale unsound produce	Twenty. To regulate and control the running of cars, trains or locomotives upon or across the streets, avenues or alleys of said city; to control and regulate the speed of such cars, engines or trains within the corporate limits of said city; to compel railroad companies and street railroad companies to light their tracks, and to regulate, restrain or prohibit the switching of cars on or across the highways of the city. Twenty-one. To pass all laws necessary and proper for the arrest, with or without warrants, of any person against whom there is a charge made of violating any city or State law, and to confine such person until duly discharged by law; to pass all laws needful for the issuance and execution of search warrants. Twenty-two. To pass all ordinances necessary or
Street car privileges	
Offenses	
Regulate cars	
Arrests	

proper to secure the safety of persons from fire in halls and buildings let or used for public assemblies, and for entertainments or amusements; to compel owners or lessees of buildings to provide fire escapes and make provision against fires. Twenty-three. To make or cause to be made a compilation of laws and ordinances of the city and to adopt and publish a city code. Twenty-four. To make and ordain all laws necessary concerning idlers, paupers, vagrants, disorderly or vicious persons, to punish any person who, when put to hard labor for the city fails to work faithfully, or who escapes or attempts to escape. Twenty-five. To pass ordinances in relation to auctioneers carrying on their business on the streets, and to regulate or prohibit same. Twenty-six. To punish all persons who in any manner obstructs the chief of police, or other policeman or officer in the arrest of any person in said city, or in the discharge of his duty; and to punish all persons who, when called upon, refuse to aid in the arrest of any person. Twenty-seven. To pass and enact inspection laws within the city; to regulate the measuring and weighing of produce or provisions for man or beast, and to provide for the inspection and gauging of liquors. Twenty-eight. To regulate and control the manner of building partition walls and fences; to prescribe rules and regulations for buildings; to appoint an inspector of buildings; to establish a building commission, and to pass all ordinances necessary or proper to secure safe and strong structures; to regulate and control the cleaning and sweeping of chimneys, the use of lights, stovepipes and flues in stores, shops, stables and other places. Twenty-nine. To pass by-laws and ordinances for the purpose of assessing property adjacent to any street and intersection of streets, for one-half of expense of such sewers as the board may from time to time deem necessary for the purpose of receiving sewerage from houses and lots, and bettering the sanitary conditions of such parts of the city as the board deem advisable. The assessment shall be made upon property on

Safety from
fires

City code

Vagrants

Auctioneers

Resisting
police

Inspection
laws

Partition
walls

Sewerage tax

Licenses

both sides of the street, and near the intersection of streets on which said property may be constructed, and shall be made in proportion to the value of the lots adjacent to such streets and intersections of such streets, and benefitted by the construction of such sewer. Thirty. The board of mayor and aldermen shall have the power to license and stop such exhibitions, business, vocations, occupations or professions as are now licensed by the State, and others herein below named, and to punish all persons who do business in said city without having taken out the license required by law or ordinance, and to impose and collect such license, not to exceed the following amounts on the business, vocations, occupations or professions here named, to-wit: Auctioneers, \$10; barber shops, \$10 for first chair, \$2.50 for each additional chair; commission merchants and brokers, whether by sample or otherwise, \$10; express companies having an office in the city for the business of carrying express matter from Opelika to other points in the State, and from other points in the State to Opelika, \$100; hotels, each, \$50; but the board may regulate the charges according to the number of rooms, if it deems it proper to do so; restaurants, each, \$10; and where rooms are rented in connection therewith, \$15; life or fire insurance company, or their agent for, for each company represented, \$50; each accident insurance company or agent, \$25; livery or sale stables, each, \$25; itinerant traders by sample or otherwise, \$25; dealers in fish or oysters, each \$20; transient physicians or vendors of patent medicines, each, \$25; undertakers, each, \$25; keeping of studs or jacks, each, \$5; commercial telegraph companies having an office in the city, in the business of sending and receiving telegraph messages from points within the State to Opelika, and from Opelika to points within the State, (except business for the Federal government), \$100; telephone companies, \$100; carts, drays, wagons, hacks, coaches or omnibuses, each, \$15; pawn brokers, each, \$50; each agent for the sale of commercial fertilizers, each,

Licenses

\$25; cotton buyers, who buy for shipment, each, \$15; watchmakers or repairers, each, \$10; bakers, each, \$10; tin shops, each, \$10; coal or wood dealers, each, for each yard, \$10; dealers in lumber or brick, each, \$25; dancing masters, each, \$15; skating rinks, each, \$15; ice cream saloons, each, \$5; real estate agents, each, \$25; plumbers or gas fitters, each, \$25; ice factories, each, \$100; lightning rod agents, each, \$25; photograph or art galleries, whether in house or tent, \$25; news dealers, each, \$5; fruit stands, each, \$10; marble yards, each, \$20; architects or superintendents of buildings, each, \$25; commissary or grub cars, whether run by railroads or individuals, for each car used in selling goods within the corporate limits, \$100; dealers in fireworks or pyrotechnics, each, \$10; bootblacks, each, \$5; dealers in pistol cartridges, each, \$10; veterinary surgeons, each, \$10; job printing offices, when run by steam, gas, electricity, or water power, \$25 each; job printing offices, when run by hand, each, \$15; newspaper offices, daily, each, \$25; newspaper offices, weekly, each, \$15; newspaper offices, monthly, or otherwise, except daily or weekly, each, \$10; wood-sawyers, by machinery, each, \$10; each railroad company having an office in, or running cars in or into the city for the business of transporting freight or passengers from Opelika to other points in the State, and from other points in the State to Opelika, the amount to be fixed by the board; each sleeping car company having an office in, or running cars into said city for the business of transporting passengers from Opelika to other points in the State, and from other points in the State to Opelika, \$100; each railroad or steamboat ticket broker or scalper, \$25; each loan association or company making loans in the city, \$100; each dealer in machinery or agricultural implements, when principal stock in trade, \$25; each corn or flour mill, \$25; each agent for the sale of cotton gins, \$25; bicycle exchange or repair shop, \$10; laundries, each, \$10; each wholesale dealer in oil or agents for same, \$50; each contractor or firm of contractors, whose gross receipts exceed \$1,000

Licenses

per annum, \$25; each person running hand cart, \$10; owner of dog, within the corporate limits for each dog, \$1; each drummer or runner for a hotel or boarding house, \$10; each saw mill, \$50; each sash or blind factory or agent for same, \$25; each person or company engaged in the business of making abstracts of titles, \$10; sausage factories, each, \$10; lawyers, doctors, dentists, whose gross business does not exceed \$1,000, each, \$5; whose business does exceed \$1,000 and does not exceed \$2,000, each, \$20; whose gross business does exceed \$2,000, each, \$25; cotton, stock or produce exchange, \$25; junk dealers or dealers in hides or old iron, each, \$20; each drover or dealer in horses or mules other than liverymen, \$25; cabinet makers or proprietors of wood shops, each, \$10; building and loan associations, each, \$100; each merchant tailor, \$25; every grinder of a hand organ or strolling band of music per week, \$5; each theatrical, opera or other troupe acting or performing in the city, each day, \$5; civil engineers and surveyors, each, \$25; bill or note collectors, each, \$10; each intelligence office, \$25; every bottler of beer or ale, \$25; dealers in ice, each, \$10; each gas company, electric light company or other light company or fuel gas company, \$500; brewers or breweries, \$100 each; each street railroad company, \$250; each bill poster or distributor, \$10; each gun shop or gun repair shop, \$5; each dye house, \$10; each cigar manufactory, \$10; each person who gives suppers, not exclusively for charitable purposes, where a charge is made, \$5; each dancing house or hall, \$15; each public hall, \$10; theatres, concert or music halls, \$50. The businesses, occupations and professions, exhibitions taxed by the State, the said city may tax and license in such sums as the board may deem just and proper; and the said board of mayor and aldermen shall have the right to tax and license all businesses, trades, occupations, exhibitions and professions not above enumerated and provided for, and to fix the amount of the license at such sums per annum or for a shorter time, as the board may deem just and proper. The license to be issued un-

der this act and the ordinances passed in pursuance thereof, shall be signed by the mayor and city clerk, and for the issuance of the license they shall be entitled to charge a fee of one dollar each, to be paid into the city treasury. Whenever any person, firm or corporation whose business, occupation or profession shall be taxed and licensed as aforesaid, shall be engaged in inter-state commerce, as well as commerce wholly within the State of Alabama, then the board of mayor and aldermen shall have full power and authority to tax and license, as aforesaid, the state commerce without prohibiting, regulating, taxing or requiring license for the interstate business of such person, firm or corporation. Thirty-one. The board of mayor and aldermen shall have the power to assess, levy and collect against general dealers in merchandise, resident of said city, a tax of one-half of one per cent on the first of January of each year, and to assess, levy and collect against general dealers in merchandise, who are transient, a tax of one-half of one per cent. on the largest amount of merchandise on hand at any one time, while engaged in business; Provided, That the tax above provided shall be in lien of the ad valorem tax of one-half of one per centum hereinafter authorized to be imposed on such merchandise, and the said board of mayor and aldermen shall have power to assess, levy and collect taxes on all property in said city for each year, not exceeding one-half of one per centum on the value thereof as assessed for the State taxation the preceding year. The assessments herein mentioned are to be made by the clerk of said city, or some other person thereunto authorized and appointed by the board, from the State and county assessment books, as assessed for the State taxation the preceding year, and it shall be the duty of said board to associate with the county tax assessor one or more good and discreet citizens of the city, who shall assist the said county tax assessor in assessing the property of said city. If it shall appear that any property has escaped taxation by the State, the municipal officers on its dis-

Licenses

City taxes

City taxes

covery shall report the same to the tax assessor or collector of the county, whose duty it shall be to assess the same, whereupon the said board shall have full power and authority to levy and collect the full rate allowed by the Constitution of the State upon such property for the proper year or years as allowed by the Constitution. If any property in said city is assessed and taxed by the State the preceding year, it may be taxed by said city as aforesaid for the current year, whether in existence on the first day of January of the current year or not. If any property has escaped city taxation in previous years, or shall escape hereafter for any year, the board shall have full power to provide for the assessment and collection thereof in a manner not inconsistent with the State Constitution. The board shall be authorized to provide for the assessment and collection of city taxes to the amount of one-half of one per centum of the value of the property, on railroad, telegraph and such like property, and to take values from the State board of equalization for the preceding year.

Tax sales and
tax liens

Sec. 12. Be it further enacted, That the city of Opelika shall have a prior lien upon all real and personal estate assessed for taxes over and above all other liens that may exist thereon except those of the State, and upon all sales made under and by virtue of such assessment. The tax collector of said city shall, by a deed, convey to the purchaser at such sale or sales a title superior in the order of priority of liens to that of any liens then existing, save those of the State: Provided, That when a tax is assessed upon property, the owners of which are not known, thirty days notice of the sale by advertising for once a week, specifying the amount of the tax shall be given in some newspaper in said city before sale; and, provided further, that no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed, as belonging to any other person than the owner or as the property of an unknown owner, or on account of any informality or irregularity, whatever, in any of the pro-

ceedings for its assessment or sale, unless the person seeking to impeach said sale shall show that the taxes so assessed on said property and all penalties and costs accruing on such assessment and proceedings for sale were paid at the time of such sale.

Sec. 13. Be it further enacted, That the said board is hereby authorized and empowered to pass laws for the sale of real estate and personal property in said city for taxes, whether said real estate or personal property belongs to resident or non-resident owners, or to persons unknown, and to authorize the sale of any one lot or subdivision of lots, or so much of the property as may be necessary to pay the taxes due, and that the owner or any one for him, or any mortgagee, or person having a lien, or transferee, be allowed to redeem at any time within two years from the sale on paying the purchaser or city treasurer for him double the amount of the taxes, costs, and expenses of sale paid by the purchaser, and five dollars for the expense of a reconveyance and legal interest on the amount paid at such sale, from the date of sale to the day of redemption. Any surplus arising from said sale shall be paid into the city treasury, to be kept as a separate fund by said officer, for the owner, upon the responsibility of his official bond. Interest shall be collected on all taxes assessed from the first day of May next, after the assessment, if not paid by that day; and when any lot or part of a lot has been assessed to any unknown owner, the assessment shall be prima facie evidence of the fact, and the board may by its agent purchase real estate sold for taxes, and in such event, the deed for the same shall be made to the mayor of said city, and his successors in office, to be held by him or the city, which may be redeemed as other lands sold for taxes as aforesaid, and when so redeemed the mayor shall reconvey to the owner at the expense of the latter as aforesaid.

Redemption

Interest paid
by delin-
quents

Sec. 14. Be it further enacted, That the board is hereby authorized to establish a sinking fund to provide for the payment of the interest on any

Sinking fund

bonds that may now be outstanding, or that may hereafter be issued by law, and for the payment and redemption of such bonds at maturity and they may appropriate to said fund, not exceeding twenty-five per cent. of the revenue received on account of licenses and taxes on all property within said city. The board shall have power to collect all taxes of said city, and all fines and forfeitures imposed for any violation of any ordinances or charter provision, by execution, levy and sale, and from the operation of such execution, no property of any citizen of said city, or other person against whom the same runs shall be exempt, but this mode of collection shall not prevent the collection thereof in any other manner that may be authorized by this act or by law.

Street tax

Sec. 15. Be it further enacted, That said board shall have authority to require all male inhabitants of said city who have resided therein for ten days and who are between the ages of eighteen (18) and fifty (50) years to work upon the streets of said city for at least five days in each year, under the direction of such officer as the board may appoint: Provided, That any person so required to work may relieve himself from so working by paying into the city treasury a sum to be fixed by the board, not exceeding five dollars. All moneys so collected or paid in, to be used and applied exclusively to the improvement of the streets; provided further, that the inhabitants of said city shall be exempt from working on roads and highways outside the city limits of said city; provided further, that no male inhabitant of said city, between eighteen (18) and fifty (50) shall be exempt from the operation of this section; except such as the board may hereafter expressly by ordinance so exempt.

Authority to
retain prisoner
except cases of
felony

Sec. 16. Be it further enacted, That whenever any person is in the custody of the city authorities, before or after a conviction of a violation of a city law, and is held for such by the city authorities, and such prisoner has violated any State law, and is charged therewith, such prisoner shall be held by the city authorities until the sentence of the Re-

Recorder's Court shall be fully performed and discharged, except in cases of a charge of felony by the State authorities, in which event they shall deliver the prisoner to the sheriff of Lee county, to be delivered to the custody of the proper officer, and after the prosecution of said party by the State shall have ended, and the party discharged, either by acquittal, or by paying or otherwise satisfying the judgment against him, it shall be the duty of the State authorities to return the prisoner to the city to be dealt with as the charter and ordinances of the city may authorize.

Sec. 17. Be it further enacted, That the board may pass necessary ordinances to compel prisoners sentenced in the Recorder's Court to work upon the streets, or elsewhere, who refuse to work when being under such sentence; and in the event the city has not sufficient room in its prison for its convicts, such persons may be confined in the jail of Lee county until other provision can be made for them. During such confinement the sheriff shall receive from the city same compensation for keeping said prisoners that he receives for other prisoners.

Prisoners
who refuse
to work

Sec. 18. Be it further enacted, That the board of Opelika shall have full power and authority to assess, levy and collect a poll tax from the inhabitants of said city, liable to pay the same, to be applied exclusively to the public schools of the city. The poll tax collected from the white inhabitants of said city, liable to pay the same, to be for the benefit of the free white schools, and those collected from the colored inhabitants shall be for the benefit of the free colored schools of the city—said taxes to be assessed and collected by such officers as the board may appoint under such rules and regulations as it may prescribe; such officers to have the same rights, powers and remedies of the collection of such poll taxes as are now possessed by the tax collector and other officers of Lee county.

Poll tax

Sec. 19. Be it further enacted. That said board shall have the right to build and construct under

Sewers

ground sewers through private property anywhere in said city, or the police jurisdiction thereof, paying to the owner such damages, if any, as will thereby be done to said property, and for the purpose of ascertaining such damages said city may proceed by writ and quod damnum as now provided by law in such cases, except that the jury shall consist of only five free holders of said city, and such jurors shall be entitled to only one dollar per day each while serving. In case one continuous sewer is to be run through the land of several owners the whole may be joined in one proceeding, the damages, if any, however, to be assessed to each owner separately.

Board of
education

Sec. 20. Be it further enacted, That the board shall have power to establish and maintain free white public schools and free colored public schools in said city in which the children and wards from seven to twenty-one years of age, of all actual residents, shall be entitled to seats as pupils: Provided, That such children are themselves bona fide residents of said city; but non-resident children may be admitted into schools on such terms as the board of education may prescribe, and separate schools shall be provided for the children of citizens of African descent. The public schools of said city shall be under the charge of the board of education, to consist of the mayor and six other persons to be elected by the mayor and board of aldermen. The board of education shall have the following powers and duties: 1. To build upon the school property of the city suitable houses for the use and accommodation of the public schools, or to rent such houses, and to keep such houses in repair, and furnish the same with proper furniture and apparatus. 2. To open a sufficient number of schools to meet the wants of the population of the city; elect a superintendent of schools, the principal and all teachers; fix their compensation and prescribe their duties; control the distribution of teachers and pupils among the several schools; dictate the course of instruction, the number and character of text books, the organization of classes

School house

and the method of teaching; to prescribe rules and regulations for the government of the schools, and to exercise such additional powers as will be necessary to give it complete control of the public schools of the city; but the plan of instruction and the rules and regulations adopted by the board of education shall be adhered to unless altered by two-thirds vote. 3. To issue diplomas to all persons who satisfactorily complete the course of study prescribed for the public schools. 4. To charge in the schools such incidental or other fees as may be deemed necessary for the proper conduct thereof. 5. It shall be the duty of the board of education before the first day of June in each year, to prepare and file with the mayor an estimate of the money that will be required for the maintenance of the public schools for the succeeding scholastic year, and the erection and repair of necessary school buildings; and the board of mayor and aldermen of said city shall, so far as they are able with the means at hand, of which the board shall be the judges, make the necessary provisions to supply whatever additional funds may be necessary to meet the estimate so made. All funds devoted to public school purposes in said city, whether derived from the State, county or city, shall be paid in the city treasury, and shall be disbursed as the board of education may direct: Provided, That not more than 4 per cent. of the money derived from the State shall be used otherwise than for the payment of teachers employed in such schools. 6. To create a board for the examination of applicants for positions as teachers in the public schools of the city; and no person shall be elected as a teacher in such schools who shall not have received a license from such board; and the board of education may in its discretion institute competitive examinations of applicants for positions as teachers in the public schools, including licensed teachers, who are applicants for re-election.

School house

Sec. 21. Be it further enacted, That in addition to the license now required by law to be taken out by all persons before selling spirituous, vinous or

Liquor license

malt liquors, under the requirements of the general license laws of the State, no person shall sell any such liquors in the District of Opelika hereinafter called City of Opelika, without first paying into the treasury of said city the sum of one thousand dollars for a license, for which sum the board of mayor and aldermen of said city shall issue a license, which shall entitle the licensee to sell spirituous, vinous and malt liquors, both at retail and wholesale, at one place in said city under the provisions of this act for one year from the date of such license, and such license shall not be issued for a longer term than one year at a time: Provided, Before such license shall be issued, the applicant shall give bond, with good security, to be approved by the mayor of said city, in the sum of one thousand dollars, payable to the said City of Opelika, conditioned that the applicant will, during the time he is licensed, keep a decent and orderly house of business, that no boisterous or riotous conduct will be allowed therein, that the laws of Alabama and the ordinances of the City of Opelika relating to the liquor traffic in said city, shall be complied with by him, and in case of any breach of said bond by any act intentionally done, the amount thereof shall be liquidated damages and recoverable in favor of said City of Opelika, in the Circuit Court of Lee county, Alabama, any person who sells any of such liquors in said City of Opelika without first complying with the provisions of this section, shall be guilty of a misdemeanor, and on conviction for each offense shall be fined five hundred dollars, and may be sentenced to hard labor for the county for six months.

Hours

Sec. 22. Be it further enacted, That no person engaged in the liquor traffic in the City of Opelika, shall keep open doors where liquor is sold or sell the same after ten o'clock at night, before six o'clock in the morning, on the Sabbath day, Christmas day, any election day, or at any other time that the sale of liquor is forbidden by the general State law, and any person violating any provisions of this section. shall be guilty of a misde-

Penalty

meanor, and on conviction shall be fined not less than one hundred nor more than five hundred dollars for the first conviction, and for each subsequent conviction shall be fined five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Sec. 23. Be it further enacted, That any person ^{Penalty} licensed to sell spirituous, vinous or malt liquors in the City of Opelika, who shall sell any such liquors to a minor or knowingly to any person for a minor, or shall sell to any person of known intemperate habits, or knowingly to any person for such intemperate person, shall be guilty of a misdemeanor, and on conviction of either of such offenses mentioned in this section shall forfeit the license to sell such liquors, and shall be fined five hundred dollars, and be sentenced to hard labor for the county for six months, and the conviction of such licensee or his employe for a violation of any provision of this section shall operate a forfeiture of such license in addition to the penalty.

Sec. 24. Be it further enacted, That the board of ^{Places} mayor and aldermen of said City of Opelika and their successors in office, shall have full power and authority to prescribe the place or places where liquor may be sold in said city, and to regulate and control the same in every way not inconsistent with the provisions of this act, and the laws of the State.

Sec. 25. Be it further enacted, That there shall not be allowed in any house where liquors are sold ^{Regulations} in said city any games of any kind, and there shall not be kept in such house any billiard, pool or any other kind of gaming table, and no place in said city in which liquor is sold shall have any screen, blinds or such glass in the windows or doors as will obstruct the view from the outside, or any other obstruction of the view through the windows and doors from the outside during the hours such place is kept open for business. Any person violating any provisions of this section shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred nor more than five hundred dollars.

Loitering

Sec. 26. Be it further enacted, That no person to whom license is issued shall allow drunken or disorderly persons to assemble or loiter in his place of business. Any person violating the provisions of this section shall be guilty of a misdemeanor.

On street

Sec. 27. Be it further enacted, That all places where liquor is sold in the City of Opelika shall front and be on a level with the street.

Suits

Sec. 28. Be it further enacted, That no suit shall be maintained against said city upon any claim for money until application shall have been made to the board for payment thereof, and the said applicant refused in whole or in part, or the board fail at the next regular meeting to act thereon.

Effect of this
act

Sec. 29. Be it further enacted, That no prosecution, suit or claim, whatsoever pending or to be brought under existing laws, and no right of action accrued, nor proceeding commenced, nor prosecution now or hereafter commenced, for any offense already committed, nor any existing right, remedy or defense shall be impaired, affected or altered by the passage of this act, nor shall any fine, forfeiture or penalty already accrued be released or impaired thereby, but all such rights, proceedings, prosecutions, remedies, defenses, fines, forfeitures and penalties shall be enforced under the laws existing at the time they began or accrued, in the same manner as if this act had not been passed, and all existing laws and ordinances of said city, adopted in pursuance of law, shall remain in force until repealed or modified by the board as far as the same are not in conflict with this charter, and all powers granted by this act must be liberally construed in favor of the power of the city to pass such laws.

When act
goes into
effect

Sec. 30. Be it further enacted, That this act shall go into effect on and after the first day of May, 1899.

Repeal

Sec. 31. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved February 20th, 1899.

No. 585)

AN ACT

(H. 1111

To increase the amount paid to the Sheriff of Escambia County for ex-officio services.

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners of Escambia county are hereby authorized and empowered to pay the sheriff of Escambia county in addition to the sum now allowed by law for ex-officio services and for public services rendered by him under and by virtue of Section 1377 of the Code of Alabama, the sum of two hundred and fifty dollars.

Approved February 21st, 1899.

No. 586)

AN ACT

(H. 566

To establish the Leighton School District.

Section 1. Be it enacted by the General Assembly of the State of Alabama, That the western half of Township four, Range nine, and the eastern half of Township four, Range ten, including the corporation of the Town of Leighton, Colbert county, shall constitute a public school district.

Sec. 2. Be it further enacted, That said district shall be under the control of a board of education. Said board shall consist of five members, who shall be citizens of said district. Their term of office shall be three years, or until their successors are appointed and qualified. Said successors shall be appointed by the State superintendent of education. D. L. Spangler, P. N. G. Rand, F. R. King, J. L. Walker, and E. Cliff King shall constitute the present board, whose term of office shall commence with the passage of this bill.

Sec. 3. Be it further enacted, Said board shall elect one of its number to be president, and one to be secretary, who shall hold their offices during

the pleasure of their board. A majority of said board shall constitute a quorum. The president shall act as treasurer. Shall be chief executive officer of said board. He shall give bond to the State in double the value of all moneys that may come into his hands during any one scholastic year, and shall pay out the same only upon the order of the board. He shall, during the month of June of each year, take, or cause to be taken, the scholastic population of his district in the same manner and under the same rules that the township trustees now take the same. He shall procure a list of all the poll taxes due his district and report the same to his board. He shall demand and receive all the moneys due his district for public school purposes from any source whatever.

Teachers Sec. 4. Be it further enacted, That in the employment of teachers, management, and regulation of the district white school, said public board shall act jointly with the board of trustees of Leighton Male and Female Academy and for said purpose each board shall have equal powers.

School Sec. 5. Be it further enacted, That said boards shall have the power to build or procure a suitable house in the Town of Leighton for the use and accommodation of a public school for the aforesaid school district. That there shall be but one white public school for said district, which must be located as aforesaid.

Pupils Sec. 6. Be it further enacted, That the children and wards of all the actual residents of said district from 7 to 21 years of age shall be entitled to seats in said public schools. That non-resident children may be admitted on such terms and conditions as the board may determine.

School funds Sec. 7. Be it further enacted, That the Leighton school district shall, through the president of its board, receive its proportionate share of the sixteenth section fund and the public school money. And all the poll taxes collected within the limits of said district for the use and maintenance of its public schools in the same manner that the county superintendent of education now receives the same.

Sec. 8. Be it further enacted, That said public school board shall in the Town of Leighton provide a public school for the negro children, governed and regulated as near like the white school as circumstances will allow. Negro
children

Sec. 9. Be it further enacted, That in all respects not mentioned in this act the Leighton school district shall be governed by the existing school laws. Governed by

Sec. 10. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed. Repeal

Approved February 21st, 1899.

No. 587)

AN ACT

(H. 1288

For the preservation and protection of the quail commonly called partridge, in the County of Macon.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful in the County of Macon for any person to purchase or sell or expose for sale a quail, commonly called a partridge, and it shall be unlawful for any person to ship from said county a quail, commonly called a partridge, for sale. Partridge

Sec. 2. Be it further enacted, That any person who violates the provision of Section 1 of this act, shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars, nor less than five dollars. Penalty

Sec. 3. Be it further enacted, That justices of the peace shall have jurisdiction of offenses in violation of this act. Jurisdiction

Sec. 4. Be it further enacted, That this act shall go into effect immediately upon its approval by the governor. When act
goes in
effect

Approved February 21st, 1899.

No. 588)

AN ACT

(H. 522)

To establish an Inferior Criminal Court in the County of Mobile.

Election of
judge

Appointment
by governor

Bond

Duties

Section 1. Be it enacted by the General Assembly of Alabama, That at the general election in this State, to be held in August, 1900, and every six years thereafter, there shall be elected by the qualified electors of Mobile county, an officer to be known and designated as judge of the Inferior Criminal Court of Mobile county, who shall be a qualified voter in said county at the time of his election; that until said election the said office shall be filled by appointment of the governor, who shall within thirty days after the approval of this act, appoint some duly qualified person to said office, and in case of a vacancy occurring at any time in said office, the governor shall in the same manner fill such vacancy; and the person so appointed shall hold office until his successor shall be duly elected and qualified.

Sec. 2. Be it further enacted, That before said judge of said Inferior Criminal Court shall enter upon the discharge of the duties of his office, he shall give bond, with security, in the sum of two thousand dollars, to be conditioned and approved in the same manner as is required by law for the conditioning and approving of the bonds of justices of the peace; and said bond can be given in any solvent guaranty and indemnity company, and shall be given to and accepted by the probate judge of Mobile county.

Sec. 3. Be it further enacted, That the said judge of said Inferior Criminal Court shall reside in the County of Mobile, and shall hold his office in the City of Mobile, in a building or room to be provided and furnished by the Commissioners Court of Mobile county, with suitable furniture, fuel, books, and stationery and seal, in the same manner as is the City Court of Mobile.

Sec. 4. Be it further enacted, That said judge of the Inferior Criminal Court of Mobile county shall

be a magistrate and conservator of the peace, with all the powers of a magistrate or conservator of the peace, which are or may be by law conferred upon justices of the peace within said county. He shall have and exercise all the jurisdiction, and have all the other powers and authority in said county which are or may be by law conferred on justices of the peace in criminal and quasi-criminal cases; shall have the same power to imprison or sentence defendants to hard labor for the county for non-payments of costs as is possessed by the Criminal Courts of this State. Shall have jurisdiction of all bastardy proceedings and proceedings to keep the peace, such as are now exercised by justices of the peace; shall have jurisdiction of all cases for abusive, insulting or obscene language as prescribed in Section 4306 of the Code of Alabama; shall exercise final jurisdiction in such cases; shall also have final jurisdiction of cases arising under that section of the Code of Alabama which forbids jumping on or off moving trains, exercising final jurisdiction in all such cases. He shall have authority to issue warrants in all cases, in the same manner as justices of the peace now have under the laws of this State. He shall require the clerk of the said Court, hereinafter provided for, to perform all the duties hereinafter prescribed for the clerk of said Court, and shall superintend the said clerk in the execution of all the duties hereinafter prescribed for him.

Jurisdiction
of powers

Sec. 5. Be it further enacted, That said judge of said Inferior Criminal Court shall have power to punish for contempt of Court by fine not to exceed ten dollars, and by imprisonment not to exceed twenty-four hours, one or both. The said Court herein provided for shall be a Court of Record with a seal, and the judge or clerk shall have authority to certify the record and proceedings of said Court. The judge of said Court shall have authority to perform marriage ceremonies, such as is now possessed by justices of the peace. From any judgment of this Court defendants shall have the right of appeal to the City Court of Mobile under the

Powers and
authority

Appeal

Judge
pro-tem

same regulations and requirements as now govern appeals from the Courts of justices of the peace to the said City Court of Mobile; and the bond furnished in such cases shall be governed by the same laws as now regulate appeals from the Courts of justices of the peace. In case the judge of this Court, by reason of sickness or otherwise, is incapacitated to hold Court for a longer period than ten days, it shall be the duty of the governor of the State of Alabama, at the expiration of this time, to appoint some competent person to act as judge of said Court until the judge herein provided for shall be able to return to duty, and the said judge so appointed shall have all the powers and authority herein conferred upon the judge of said Inferior Criminal Court; and the said judge pro tem shall furnish the same bond hereinbefore provided for said judge of said Court. It shall be the further duty of this Court to receive from the clerk of said Court all costs, fines and penalties herein provided for when the same are collected, which said monies shall be paid over to the county treasury in the manner hereinafter provided.

Clerk and his
duties

Sec. 6. Be it further enacted, That the said judge of the said Inferior Criminal Court shall appoint some competent person to act as clerk of his said Court. The duty of the said clerk shall be to keep a record of all the proceedings of the said Court; he shall keep in a book to be furnished by the commissioners of Mobile county a properly arranged docket of all cases tried in said Court and all examinations had therein, which docket shall set forth the nature of the case, the date of the issue and return of all processes, and a statement of the judgment rendered in the case sufficient to clearly show what was done in the case, together with an itemized copy of the bill of costs and by whom paid. The said clerk shall have authority under the direction of the judge of said Court to issue warrants, sworn out in said Court, and to take and certify the affidavit of the prosecutor. He shall attend upon the duties of said Court at such hours as are designated by the judge thereof, and shall

perform such other clerical duties as may be prescribed by the judge of said Court. The said clerk before entering upon the discharge of his duties shall be required to furnish to the probate judge of Mobile county a bond, with security, in the sum of two thousand dollars to be conditioned and approved in the same manner as is the bond herein provided for the judge of said Court, and said bond can be given in any solvent guaranty and indemnity company. For all the services rendered in the said Court the said clerk shall receive an annual salary of nine hundred dollars, payable monthly from the county treasury of Mobile county, and he shall receive no fees whatever. It shall be the duty of said clerk to assess and collect in each criminal case all the costs, fines and fees provided under the laws of Alabama for justices of the peace and such monies so collected shall be by him at once paid over to the judge of the said Court. The said clerk shall have authority to swear witnesses at the trial of all criminal cases in said Court.

Sec. 7. Be it further enacted, That the forms authorized by law to be used by justices of the peace in like proceedings, or others substantially the same, may be used by said judge of said Inferior Criminal Court. Forms

Sec. 8. Be it further enacted, That the same costs shall be taxed and collected by the said judge of said Inferior Criminal Court, or the clerk acting under his direction, and in the same manner as is provided by Sections 4574, 4575, 4576 and 4577 of the Code, and when the prosecution is frivolous or malicious the said judge may charge the prosecutor with the costs, whenever the defendant be acquitted or discharged, for which costs said prosecutor may confess judgment with good and sufficient sureties, and failing so to do, or to pay the costs presently, must be imprisoned in the county jail or sentenced to hard labor for the county, for not exceeding ten days. The person who makes affidavit to have the warrant issued shall be deemed and held to be the prosecutor. Costs

Sec. 9. Be it further enacted, That it shall be the duty of such judge to report and pay into the

- Duty of judge county treasury on Monday of each week the amount of fines, forfeitures, penalties and costs collected by him since the date of his last report.
- Witnesses Sec. 10. Be it further enacted, That witnesses in cases before said judge of the said Inferior Criminal Court shall be entitled to the same fees, to be collected in the same manner, as is provided in like cases before justices of the peace, and at the end of the trial or examination they shall receive certificates, and if the said fees are not called for within six months, they shall be forfeited and paid into the county treasury.
- Applicable Sec. 11. Be it further enacted, That the provisions of Sections 4633, 4635, 4637, 4638, 4639, 4640 and 4641 shall be applicable to trials before said Inferior Criminal Court.
- When open Sec. 12. Be it further enacted, That the said Inferior Criminal Court shall be open for the transaction of business at all times excepting on Sundays, and legal holidays; and it shall be the duty of the solicitor of Mobile county, when requested by the judge of said Inferior Criminal Court, to prosecute in the name of the State all offenses which may be tried before such Inferior Criminal Court that may be punished capitally, unless the said solicitor is engaged in the City or Circuit Court, at the time of such trial.
- Compensation of judge Sec. 13. Be it further enacted, That the compensation of said judge of said Inferior Criminal Court shall be eighteen hundred dollars per annum, payable monthly, out of the county treasury.
- Processes Sec. 14. Be it further enacted, That the said judge of said Inferior Criminal Court shall address all processes of whatever nature or kind to the sheriff of Mobile county, who shall either himself or by deputy execute the same. When required by the said judge the sheriff shall furnish a bailiff for the said Inferior Criminal Court. The sheriff shall receive no fees, but as compensation for the services required of him and for furnishing the bailiff he shall receive eighteen hundred dollars per annum, to be paid monthly out of the county treasury.
- Compensation of sheriff

Sec. 15. Be it further enacted, That all laws and parts of laws, contrary to the provisions of this act be, and the same are hereby, repealed. Repeal

Approved at 6 p. m., February 23rd, 1899.

No. 589)

AN ACT

(H. 1134

To repeal an act entitled "An act to incorporate the Town of McFall, in Talladega and Calhoun Counties, and to prescribe certain powers and create a separate school district within certain limits," approved December 16th, 1898.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "An act to incorporate the Town of McFall, in Talladega and Calhoun counties, Alabama, and to prescribe certain powers and to create a separate school district within certain limits," approved December 16th, 1898, and known as H. bill 215, shall be, and the same is hereby repealed. Repeal

Approved February 21st, 1899.

No. 590)

AN ACT

(H. 1191

To amend an act entitled "An act to incorporate the Guarantee Trust and Surety Company," approved February 11th, 1897, by conferring upon the corporation therein authorized additional powers, and to change provision thereof in respect to meetings of stockholders.

Section 1. Be it enacted by the General Assembly of Alabama, That there is hereby conferred upon the Guarantee Trust and Surety Company, a corporation for the organization of which an act of the General Assembly of Alabama was approved on February 11th, 1897, in addition to the powers already conferred upon it by said act, the power Additional powers

to insure or reinsure individuals, firms or corporations against loss or damage that may arise from personal injuries, sickness, death of their employes, or their property against loss or damage by burglary, fire, casualty, lightning or wind, and to insure individuals against personal injuries or loss of life by accident or sickness, and upon such terms and conditions as the board of directors may prescribe; to act as agent or broker for any individuals or corporations doing an insurance business and any executor, administrator, trustee, receiver, assignee, guardian, or any public officer authorized to collect and make such deposits, may deposit with said corporation any moneys coming to their hands in their respective capacities.

Meeting of
stockholders Sec. 2. Be it further enacted, That the time for holding the first meeting of the stockholders of said company shall be on the first day of March, 1899, or such other day as the subscribers to the stock, upon organizing, may select, and on such day in each year thereafter as the board of directors may select.

Payment of
stock Sec. 3. Be it further enacted, That subscriptions to the stock of said corporation may be made, with the privilege of discharging the same by the rendition of stipulated necessary services; or the performance of stipulated necessary labor for said company, at the reasonable value of such services or labor, or in property, or in established business of any person or corporation, or person or firm, or in the good will of such business, at the reasonable value thereof the corporation has capacity to acquire and hold, or to carry on.

Approved February 21st, 1899.

No. 592)

AN ACT

(H. 1208

To authorize Morgan County to build macadamized roads and to issue bonds of the county to aid in the construction thereof.

Section 1. Be it enacted by the General Assembly of Alabama, That the County of Morgan, by and

through its Court of County Commissioners, is hereby authorized to build and construct within the limits of said county the following system of macadamized roads, to be known as "County Roads," and shall be known and numbered from one (1) to eight (8), and be located as follows:

County roads

No. 1 Road No. 1 shall begin at the intersection of the Decatur and Somerville public road with Moulton road, in New Decatur, in said county, thence in a south easterly direction along and with said Somerville road to and through Somerville, thence in a southeasterly direction along and with the present public road by Blue Springs to Centre Grove, thence to Apple Grove. Road No. 2 shall begin on the Lawrence county line at T. B. Ponder's, thence east along the public road to and through Danville to D. J. Orr's, thence along the Danville and Hartselle public road to the corporate limits of Hartselle on the west, then from the corporate limits of Hartselle on the east, where said line is intersected by the Hartselle and six mile road, and running east along said road to J. W. Harris place, thence in a northeasterly direction along the public road to and across the Wallace bridge, thence by Woodland Mills, Valhemosia Springs and Lacy Springs to the Tennessee river opposite Whitesburg. Road No. 3 shall begin at or near Massey, as may be practicable having reference to section line and run in an easterly direction to and through Falkville, thence in an easterly direction along and with the Falkville and Gandy's Cove road to Lawrence Cove, thence in the same direction to the Somerville and Blountsville road, near the Gid Moon place. Road No. 4 shall begin at the corporate line of Decatur, at the intersection of the Decatur and Danville road with said line, thence in a southerly direction along and on said Decatur and Danville road to road No. 2 at Danville. Road No. 5 shall begin on the corporate line of New Decatur at the intersection of Road No. 4, with the Moulton road, thence along and with the Decatur and Moulton road via Curtis Wells in a southwesterly direction to and over Mud Tavern bridge, thence in a

No. 1

No. 2

No. 3

No. 4

No. 5

No. 6

westerly direction to the Lawrence county line at the intersection of said Decatur and Moulton road with said county line. Road No. 6 shall begin at the Town of Decatur, in said county, and run in a westerly direction along the line of road known as the Decatur and Courtland road, until it strikes the Lawrence county line. Road No. 7 shall begin on

No 7

township line near the town of Lacon in said county, and run in a northerly direction as near as may be along the township line, crossing road No. 3 and road No. 2 and intersecting with road No. 1 at a point between Decatur and Somerville. Road No.

No. 8

8 shall begin at a point about six miles due west of the Town of Lacon, on the township line, and running thence in a northerly direction as near as may be on said township line, crossing road No. 3 and road No. 2, and intersecting road No. 4, the length of said road No. 8 shall not exceed twenty miles. The county commissioners shall have authority in addition to the roads above specified to lay out and designate as "county roads" and to construct

Other roads

macadamize and maintain three more roads other than the roads above specified, provided the aggregate length of said three roads or any two of them does not exceed seventy-five miles; but said county commissioners must construct, build and macadamize the roads above specified from one to eight, both inclusive.

Construction
of

Sec. 2. Be it further enacted, That the said macadamized roads from one to eight, both inclusive, shall be constructed upon the beds of the said "county roads" as near as may be and such other public roads as may be selected, not exceeding three in number. The route and location of said macadamized roads may be changed and altered so as to secure the most direct route of travel and suitable grounds and bed upon which to build said macadamized roads. Said Court of Commissioners in making such changes or alterations, to make such reasonable compensation to the owners of the lands on which such route is established as may be just and proper, and when said Court is unable to agree with the owners of the lands as to what

compensation shall be made, the same proceedings shall be had for the ascertainment of the compensation, and the acquisition of lands as is now provided by law when the line of a public road is altered or changed.

Sec. 3. Be it further enacted, That the fixing of the width of said macadamized roads and the depth and character of stone or material used in their construction shall rest in the discretion of said Court of County Commissioners, they in its determination having reference to the convenience and necessity of travel thereon: Provided, The said road shall be laid out not less than thirty feet wide at the bottom, with top or roadbed twenty feet wide, of which bed not less than eight nor more than sixteen feet shall be bedded with stone, gravel or other material, as in their judgment is best suited to secure a permanent roadway: Provided, That if the said road be bedded with stone to a distance of only eight feet in width at the top, then turnouts shall be constructed on said road every four hundred yards from each other, that shall be sixteen feet in width, if necessary.

Discretion of
commis-
sioners

Sec. 4. Be it further enacted, That said Court of County Commissioners shall have the right to take and use, in the construction and building of said roads such quantities of stone, gravel and other material adjacent and contiguous thereto as may be necessary therefor, paying such reasonable compensation for the same as in their judgment is right and proper, and when said Court and the owners of such material are unable to agree upon the compensation, the same is to be fixed in the same manner as is now provided by law for the valuation of land condemned for public use in the opening of new roads and the changing and altering of old roads.

Material

Sec. 5. Be it further enacted, That said Court of County Commissioners shall construct and build said macadamized roads by letting out the same by contract, in such manner and upon such terms as said Court of County Commissioners may, in its discretion, deem best and proper: Provided, That

Contracts

Contracts

all contracts shall be based upon specifications prepared and furnished by a competent civil engineer, and all contractors shall be required to give bond in an amount equal to the contract price of the work as specified in the contract, for the completion of the work according to specifications; said bond is to be approved by the judge of probate of Morgan county, but in the event said judge of probate disapproves said bond, he shall state his reasons and grounds of disapproval in writing to the county commissioners of said county, and if, within ten days after notice to each of said commissioners of the disapproval of said bond by said judge of probate, three of said county commissioners agree in writing that said bond shall be approved, notwithstanding the disapproval thereof by said judge of probate, then the same shall be a good and valid bond under the provisions of this act; provided further, that no contract shall be let to any member of the Court of County Commissioners of said county, nor to the civil engineer employed by said Court, nor to any relative of said civil engineer; provided further, that in letting contracts for material for said roads, and for labor and teams to be employed thereon, preference shall be given as far as practicable for the best interest of the county to resident citizens of said county.

Civil engineer

Sec. 6. Be it further enacted, That said Court shall employ a competent civil engineer at such compensation as they may deem reasonable to aid them in the laying out and construction of said roads. The said engineer, before entering upon his duties, shall take and file an oath with the probate judge of said county, to faithfully and honestly perform the duties required of him, and shall give bond in a sum not less than five thousand dollars, conditioned for the faithful discharge of his duty, said bond to be approved by the Court of County Commissioners; said bond may be made by some good and solvent guarantee company or personal security, and said commissioners shall have power and authority to employ legal counsel to prepare said contracts and act as adviser or do any other

Counsel

legal work said county commissioners may wish done, and they shall also have authority to employ a bookkeeper to keep the accounts of all material and supplies furnished by said county to any firm or person employed in the construction of said roads and to do such other and further acts and duties as may be required of him by said county commissioners, at a sum not exceeding seventy-five dollars per month, to be paid out of any money realized from the sale of said bonds; provided further, they shall have authority to employ such other help as they may deem proper.

Bookkeeper

Sec. 7. Be it further enacted, That all disbursements under this act for work done on said roads, under any contract made, shall be by warrant drawn by said commissioners upon the county treasurer, said warrants to be countersigned by the judge of probate of said county. Said warrants shall not be drawn or countersigned until said commissioners are first furnished by said engineer with true and correct estimates of work done, and a certificate that it has been completed or done according to contract. In making payment for work done under contract, under the provisions of this act, said county commissioners shall have authority to reserve from the estimates or work done for any one month, twenty per centum of the value of said work, as shown by said estimates, and said amount shall be reserved and withheld until another estimate is made to and accepted and ordered paid by said commissioners. When this is done, the first twenty per centum withheld shall then be due and payable, and said commissioners shall then withhold twenty per centum of the value of the work done as shown by the last estimate made to and accepted by said commissioners.

Disburse-
ments

Sec. 8. Be it further enacted, That in the construction and macadamizing the "county roads" of said county, the same shall be divided into sections of not exceeding one mile of road to each section, as is now required by law for the county roads of said county, and in making contracts for the construction and macadamizing of said roads, the

Sections

Court of County Commissioners of said county shall not have authority to enter into any contract whereby under its terms and provisions the said contract is not to be performed within eighteen months from the date of the making thereof. And any contract made contrary to the provisions of this act shall be null and void.

Stipulation

Sec. 9. Be it further enacted, That in all contracts made under the provisions of this act, there shall be embodied a stipulation that when required by the Court of County Commissioners, the contractor shall begin work under his contract at some certain point on the road embraced in his contract, to be designated by said county commissioners, and from said point of beginning in constructing said road shall build and construct it in opposite direction from the point of beginning, along said road.

Commission-
ers to be
supervisors

Sec. 10. Be it further enacted, That each one of the county commissioners shall be supervisor of the roads in his district in said county, as is now provided by law, and for services rendered as such supervisor each commissioner shall receive a monthly salary of seventy-five dollars per month, payable out of the money realized from the sale of the bonds under this act; but in addition to the duties now required by law of them as supervisors, each of said commissioners, except when actually engaged as a member of the Commissioners Court, shall devote his whole time to seeing to the construction of the roads as provided for under this act, and shall do and perform such other duties as are now required by law, or by the Court of County Commissioners.

Issue of bonds

Sec. 11. Be it further enacted, That the said Court of County Commissioners are hereby authorized and empowered and directed to issue bonds of said county to the amount of two hundred and sixty-five thousand dollars (\$265,000), to provide for the payment of fifteen thousand dollars (\$15,000.00), now due and owing by the County of Morgan, as evidence used by county warrants, issued under the provisions of an act entitled "An act to provide for the more efficient working, keeping up,

repairing and improving the public roads and opening and working new public roads in the County of Morgan; to locate, construct and build within the limits of said county, a system of public roads of a superior grade, to be known and designated as 'county roads,' approved February 12th, 1897, and to be applied to the building of the roads and to the other purposes specified in this act; said bonds shall be in the sum of five hundred dollars (\$500.00) each and shall be numbered consecutively from one to five hundred and thirty, inclusive; said bonds shall bear interest at a rate not exceeding five per cent., payable semi-annually, which interest shall be evidenced by coupons attached. The said Court of County Commissioners of said county shall be constructed with the duty of having designated and prepared the said bonds, and the sale of the same, but said bonds shall only be issued and sold from time to time in sums of not less than twenty-five thousand dollars, as the demands for the payment of the construction and building of said roads may require; but nothing in this act shall be construed to prevent said Court of County Commissioners from contracting at any one time for the sale of the whole issue of said bonds, to be issued, sold and delivered when it may be necessary to sell the same for the construction of said roads; those bonds numbered from one to two hundred and sixty-five consecutively, to be made payable at the expiration of thirty years from their date; those numbered from two hundred and sixty-five to five hundred and thirty consecutively, to be made payable at the expiration of forty years from their dates, all of said bonds redeemable at the option of said county after twenty years from the date of their issuance. The interest accruing from the date of such bonds, and to the time they are put in circulation shall be credited upon the first maturing coupons. Said bonds and interest bearing coupons attached thereto shall bear the signature of the probate judge of Morgan county, and the seal of said county, and be countersigned by the treasurer of said county, and shall be payable at some desig-

Issue of bonds

Issue of bonds

nated bank in Decatur or New Decatur, Alabama, or in the City of New York, in the State of New York, the said bonds shall be sold and negotiated for the highest price said Court of County Commissioners can obtain therefor, but not less than their face value; the coupons to be attached to each bond to bear the number of the bond to which they are attached, to be signed by the probate judge of said county and countersigned by the treasurer thereof, and to be made payable at the place designated for the principal thereof. The proceeds of said bonds, as the same are sold, shall be paid to the treasurer of said county in amounts not exceeding ten thousand dollars at any one time, to be kept by him as a separate fund, called the "road fund," to be paid out on the order of the Commissioners Court under the provisions of this act. Said county treasurer shall manage and make such report of said funds as required of him by law of the general funds of the county, but his accounts and reports of the "road fund" received under this act shall be kept separate from the general funds of the county.

Commercial
paper

Sec. 12. Be it further enacted, That said bonds and coupons shall have all the attributes of commercial paper in whosoever hands they may be, after being put into circulation, and no neglect, omission or informality in their issuance, or the proceedings of the board of county commissioners in their issuance shall affect their negotiability or quality as commercial paper.

Sinking fund

Sec. 13. Be it further enacted, That said Court of County Commissioners shall set apart out of the revenues of said county a sufficient amount of money to pay the interest on said bonds as the same shall mature. After fifteen years from the date of said bonds, the Commissioners Court of said county shall, out of its revenues, set apart each year a sum of money as a sinking fund sufficient to redeem said bonds at maturity. The bonds herein provided for shall be issued as soon after the passage of and approval of this act as shall be practicable in the judgment of said Court; said

bonds shall have priority of payment over any other bonds subsequently issued by said county.

Sec. 14. Be it further enacted, That before any of the money arising from the proceeds of the sale of said bonds is paid over to the treasurer of said county, he shall give additional bond to protect with safety the money arising from the sale of said bonds provided for by this act, and in no event shall the said additional bond be less than ten thousand dollars (\$10,000.00), and it shall be the duty of the county treasurer to make report to said Commissioners Court for all funds coming into his hands arising from the sale of said bonds, and shall account for the same in the manner he is required to do for the county funds, and shall be allowed the same rate of commission as are allowed by law for receiving and paying out other funds: Provided, That his compensation for services rendered under this act shall not exceed the sum of one thousand dollars.

Sec. 15. Be it further enacted, That the probate judge of said county shall provide a road book at the expense of the county, in which shall be recorded all contracts, bids and bonds for the same. For this and other services under this act, the probate judge of said county shall be paid such compensation as said Court of County Commissioners may deem just and reasonable.

Sec. 16. Be it further enacted, That it shall be the duty of said Commissioners Court to have copied in a well bound book to be kept by them or a bookkeeper, if one be employed, all reports of engineers and supervisors made with reference to the construction of said roads, and to keep a complete account of sums disbursed thereon, naming the roads and number of miles of road upon which such sums have been expended, and to whom paid. Said book, after said roads have been completed, shall be placed in the keeping of the office of the Probate Court of said county, and shall be a public record.

Sec. 17. Be it further enacted, That the money arising from the sale of bonds at any time

Deposits

under the provisions of this act, exceeding the sum of ten thousand dollars, may be deposited for safe keeping in some bank in Decatur or New Decatur, Alabama, or may be divided between the banks of said cities, as may be determined by said Court of County Commissioners: Provided, That the bank or banks in which said money may be deposited will give security to be approved by said county commissioners for the safe keeping of said money; and, provided further, that on the order of said Commissioners Court said money so deposited, or any part thereof, shall be paid by said bank or banks to the treasurer of said County of Morgan; and, provided, further; nothing in this act contained shall prevent said Court of County Commissioners from depositing money arising from the sale of said bonds, in excess of ten thousand dollars, at any place or bank within the State of Alabama, or without the State; provided, proper security for such deposit and safekeeping thereof be first given.

Taxes exempt
from

Sec. 18. Be it further enacted, That the bonds issued under the provisions of this act shall be exempt from taxation by the County of Morgan and the Cities of Decatur and New Decatur, or any municipal corporation now or hereafter organized in the said County of Morgan.

Approved February 21st, 1899.

No. 593)

AN ACT

(H. 1210)

To establish a separate school district in Randolph County.

School district

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district, to be known as the Forresters Chapel School District, be established, subject to the public school laws of the State of Alabama, to be composed of the following territory, viz: To begin at the mouth of Nabusiner creek at the Tallapoosa river, running

said creek to where it enters Section 30, Township 21, Range 11, running thence along said section line east to corner post between Sections 20, 21, 28 and 29, thence along said section line due south to Beaver Dam creek, thence down Beaver Dam creek to the Tallapoosa river, thence up said river to the beginning point, said territory being a part of Township 21, Range 11, and Township 21, Range 10 B, Randolph county, Alabama.

Sec. 2. Be it further enacted, That one school School funds for white children be established in said school district at Forresters Chapel; that said separate school district shall receive its proportionate share of the public school funds of said township, including its pro rata share of the sixteenth section fund, and it shall also receive all the tax collected from the white people as poll tax within the limits of the territory set forth, and the county superintendent of education shall set apart from the county school fund and disburse and use pro rata share exclusively for the maintenance of the public school of said separate school district.

Approved February 21st, 1899.

No. 594)

AN ACT

(H. 1230

To confirm the incorporation and amend the charter of the Selma Driving Park Association.

Section 1. Be it enacted by the General Assembly Rights of Alabama, That the incorporation of the Selma Driving Park Association, under the general laws of the State of Alabama, be and the same is hereby ratified and confirmed; and the said Selma Driving Park Association shall have the right and franchise to be a corporation, to sue and be sued, to have a common seal and the same to break, alter or amend at pleasure; to take, hold and own both real and personal property; to encourage the breeding of fine stock, including horses, mules, cattle of all sorts, hogs, poultry of all sorts, and the raising of

Rights

agricultural products, and is authorized and empowered to hold agricultural fairs, either annually or semi-annually, at such times as the said corporation may deem best; they are also authorized, on their grounds, to encourage the keeping and wintering of blooded stock and horses, and to charge a reasonable sum therefor, and to hold race meetings for the trial of speed of horses raised in this State and other States, and to charge admission to the grounds of said corporation; and the grounds of said Selma Driving Park Association shall be treated and considered as an agricultural fair grounds, and not as a public race track. During the holding of said agricultural fairs or race meetings, the said Selma Driving Park Association, through its proper officers or agents, may authorize the keeping on the grounds of a restaurant and in connection therewith of a place for the sale of beer and domestic wines; provided, not more than one such restaurant and place for the sale of said domestic wines shall be authorized; and, provided further, that the said restaurant and said place for the sale of beer and domestic wines shall be kept open only during the holding of such fair or fairs or such race meeting; and, provided further, that during said times, the said grounds shall be under the police jurisdiction of Selma; and, provided further, that this provision shall not conflict with the right of the said corporation to authorize any charitable organization in the City of Selma to open and maintain a restaurant during such agricultural fairs or race meetings.

Approved February 21st, 1899.

No. 595)

AN ACT

(H. 1246

To regulate the sale of vinous, spirituous and malt liquors in the County of Lowndes.

Section 1. Be it enacted by the General Assembly of Alabama, That any person or persons who sell

or otherwise dispose of vinous, spirituous or malt liquors must pay to the State and County of Lowndes a license of one hundred and fifty dollars respectively, which license must be kept and exhibited in some prominent place on the premises where the liquors are sold. License

Sec. 2. Be it further enacted, That the licenses must be obtained in the same manner as is now prescribed by the general laws of the State.

Sec. 3. Be it further enacted, That the penalties for violation of this law shall be the same as the general laws of the State. Penalty

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed. Repeal

Sec. 5. Be it further enacted, That all income derived by the County of Lowndes by operation of this act shall be appropriated to the improvement of roads in the county under the direction of the board of revenue. Roads

Approved February 21st, 1899.

No. 596)

AN ACT

(H. 1271

To amend Section 1 of an act approved December 9th, 1896, entitled "An act to amend an act entitled 'An act to establish a new charter for Phenix City, in Lee County, Alabama,' approved December 10th, 1894.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of an act approved December 9th, 1896, entitled "An act to amend an act entitled 'An act to establish a new charter for Phenix City, in Lee County, Alabama,' approved December 10th, 1894," be and the same is hereby amended so as to read as follows: "Section 1. Be it enacted by the General Assembly of Alabama, That Section 3 of an act entitled 'An act to establish a new charter for Phenix City, in Lee county, Alabama,' approved December 10th, 1894, be and

Elections

the same is hereby amended so as to read as follows: 'Sec. 3. Be it further enacted, That the government of said corporation shall consist of and its corporate powers shall be exercised by a mayor and ten councilmen, two of said councilmen shall be elected from each ward of said city, who together shall constitute the council of said city, and who shall be elected on the second Monday of December, 1898, by ballot, and biennially thereafter on the second Monday in December by the male inhabitants of said city who are twenty-one years old, who are entitled to register by the laws of the State, who have resided in said city for three months next preceding said election, and whose term of office shall commence on the first Monday in January next succeeding their election, and continue until their successors shall be elected and qualified. Said election shall be held under the direction of the mayor of said city, at some convenient place in said city; who shall give ten days notice of the time and place of holding said election, by posting notice thereof at three public places in said city, or by publication in some newspaper published in said city, as he may think best. Said election shall be conducted in the same manner as elections for members of the General Assembly. The inspectors and returning officer shall be appointed by the council of said city. The inspectors shall certify the result of such election, and the returning officer shall make returns to the mayor, unless said mayor is a candidate for re-election to said office, in which event the returns shall be made to one of the councilmen, to be designated by said council to receive the returns as soon as practicable, who shall decide the election in presence of the council on the day he receives the returns, giving the casting vote, if any two or more shall receive an equal number of votes for the said office, and shall give to the persons elected certificates of election. At said election there shall be elected a clerk, marshal, and treasurer, by the qualified electors of said city in the same manner as provided for the mayor and councilmen. And said

marshal, clerk, and treasurer shall each hold office for two years, commencing on third Monday in January next succeeding their election, and continue in office until their successors are elected and qualified. The persons so elected shall, before entering upon the duties of their respective offices, take before an officer authorized to administer oath in said county, an oath to discharge the duties of said office faithfully so long as he continues therein, which oath shall be filed and recorded in the office of the clerk of said city, in a book containing the proceedings of said council. If, for any cause, said election should not be held at the time afore specified, the mayor shall, as soon as practicable, appoint another day for holding such election, which shall be held in accordance with all the provisions hereinbefore provided."

Elections

Approved February 21st, 1899.

No. 597)

AN ACT

(H. 1285

To authorize the Town of Marion to levy and collect license taxes upon professions, occupations, vocations and businesses practiced, carried on or engaged in within said town.

Section 1. Be it enacted by the General Assembly of Alabama, That the town of Marion, in the County of Perry, is authorized to levy and collect a license in all cases where the State collects a license tax upon any profession, occupation, vocation or businesses practiced, carried on or engaged in within said town; and the said town is also authorized to levy and collect license tax in any or every other case upon any profession, occupation or business practiced, carried on or engaged in within said town.

License
taxes

Sec. 2. Be it further enacted, That the mayor and councilmen of said town may pass and enforce all ordinances and orders necessary to levy and collect said license taxes.

May enforce

Approved February 21st, 1899.

No. 598)

AN ACT

(H. 1339)

To establish a separate school district in the Town of Oxford; to establish a Board of Education therefor and define the duties of the same.

School district of Alabama, That the territory enclosed within the corporate limits of the town of Oxford as they now or may hereafter exist, shall constitute a public school district, separate and apart from the remaining school districts of Calhoun county, and shall be known as the Oxford Public School District.

Board of education Sec. 2. Be it further enacted, That Oxford public school district shall be under the management of a board of education, consisting of five members, to be elected from the bona fide residents and freeholders of the town of Oxford by the mayor and councilmen of said town at the first regular meeting after the passage of this act, and annually thereafter at the first meeting in January, as follows: one for one year, one for two years, one for three years, one for four years and one for five years; and as their terms expire their successors shall be elected each for a term of five years. If any vacancies occur on said board they shall be filled by the mayor and councilmen at any time, such members of the board shall serve the remainder of the unexpired terms of the members in whose places they are elected. Members of said board shall serve without compensation, but shall be exempt from poll tax and from street tax.

Oath Sec. 3. Be it further enacted, That each member of said board of education shall, upon entering on the duties of his office, subscribe an oath to faithfully discharge all the duties enjoined upon him by law as such officer; such oath may be administered by the mayor of said town.

Powers Sec. 4. Be it further enacted, That the said board of education, with the approval of the mayor and council of the town of Oxford, shall have the

power to buy and lease lands for the purpose of erecting school buildings or lands with school buildings thereon, to be used for school purposes, taking the deeds to themselves as trustees and their successors; and also to purchase, erect and furnish school buildings.

Sec. 5. Be it further enacted, That said board of education is authorized to establish and locate the number of public schools to be taught each year within said school district and elect a superintendent of said schools, principal or principals thereof, and all the teachers, fix their compensation, prescribe their duties, control the distribution of teachers and pupils among the several schools, dictate the course of instruction and prescribe the rules and regulations for the government of said schools; also provide the text books for the same; and said board shall have the power at any time to remove for cause, to be determined by said board; any superintendent, principal or teacher elected under the provisions of this act. Authority of

Sec. 6. Be it further enacted, That said public school district of Oxford, as a separate school district, shall receive its proportionate share of the school fund apportioned to Calhoun county, including a pro rata share of the sixteenth section fund of the township that lies partly within the corporate limits of said district of Oxford, and all the poll tax collected in the corporate limits of said district, and all other funds set apart by the State for school purposes. School funds

Sec. 7. Be it further enacted, That the mayor and council of the town of Oxford are hereby authorized and empowered to levy and collect a tax upon the property within its limits for the maintenance of said schools to such amount as said corporate authorities may deem advisable within constitutional limits. School tax

Sec. 8. Be it further enacted, That the board of education shall have power to charge, in the several grades of said schools, such incidental or other fees as they may deem necessary for the proper conduct of said schools. Fees

Payment of
funds

Sec. 9. Be it further enacted, That all funds devoted to school purposes in the public school district of Oxford, whether derived from State, county or city, shall be paid into the treasury of said town, where they shall be kept and accounted for separate and distinct from all other funds belonging to said town, and shall be disbursed in such a manner as the board of education shall direct.

Certificates

Sec. 10. Be it further enacted, That said board of education may issue certificates of proficiency to all persons who satisfactorily complete the course of study prescribed for the public schools of said school district.

Pupils

Sec. 11. Be it further enacted, That the children and wards of all actual residents within the limits of the school district of the town of Oxford, from seven to twenty-one years of age, shall be entitled to seats as pupils in the public schools of said town: Provided, Such children shall themselves be bona fide residents of said town, and non-resident children may be admitted into such schools on such terms and conditions as the board of education may prescribe, but separate schools shall be provided for colored children.

Repeal

Sec. 12. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved February 21st, 1899.

No. 599)

AN ACT

(H. 1361

To define the term of office of the Superintendent of Education of Walker County.

Term

Section 1. Be it enacted by the General Assembly of Alabama, That beginning with the term commencing October the first, 1900, the term of office of the county superintendent of education of Walker county shall be for four years, or until his successor is elected and qualified.

Sec. 2. Be it further enacted, That all laws and parts of laws, both local and general, in conflict with the provisions of this act be and the same are hereby repealed. Repeal

Approved February 21st, 1899.

No. 600)

AN ACT

(H. 1431

To provide a system of water works for the City of Sheffield.

Section 1. Be it enacted by the General Assembly of Alabama, That the city council of Sheffield be and is hereby authorized to buy or to erect and maintain and operate, water works for the supply of the City of Sheffield and its inhabitants with water, and for that purpose may issue bonds of the City of Sheffield to an amount not exceeding one hundred thousand (100,000) dollars, to run such time, not exceeding thirty years from their date, and to bear such interest not exceeding six per cent. as may be determined by said council. Buy or erect

Sec. 2. Be it further enacted, That the bonds to be issued under this act shall be coupon bonds, bearing interest payable quarterly or semi-annually, at such place or places as may be therein designated, and shall be issued under the corporate seal of said city, and none of said bonds shall be of a lower denomination than one hundred dollars, and shall not be sold or disposed of by said city council at less than par, and that the bonds and coupons for interest thereon, issued under this act, shall be negotiable paper, and may be made payable to bearer. Bonds

Sec. 3. Be it further enacted, That full power be and is hereby given to the said city council to enter into and to make all needful contracts for requiring a location or locations for machinery and reservoirs, stand pipes, buildings and other parts of such system of water works; and also, for rights of way for the erection, laying, maintenance and Right of way

operation of such water works; and in the event of not contracting for such locations and rights of way, to condemn the same by judicial proceedings in the mode now or hereafter provided by law for the taking of private property by said city for use as public streets.

Regulations

Sec. 4. Be it further enacted, That the said city council shall be and is hereby invested with full power to make all proper regulations for preserving, maintaining and operating such water works when established, and to collect such rates for water supplied as it may deem just and proper, but not to exceed the usual and customary rates charged by other cities similarly situated for like service; and to regulate all plumbing and draining and other work done in connection with such water works, whether such work is done for said city or for persons using or intending to use such water works; and the said city council shall be and is hereby authorized to extend such water works into any part of the police jurisdiction of said city it may deem proper, and in that event all the powers herein given to said city council shall apply to such portion of said water works.

Mortgage

Sec. 5. Be it further enacted, That the said city council shall be and is hereby authorized to mortgage said water works to secure the payment of such bonds, and the interest thereon, as may be issued under the authority of this act, and the said city council may, from time to time, as it may deem necessary, extend and enlarge such water works by erecting or purchasing additional works, this last named power of purchase being applicable to any other system of water works, or part thereof, now in operation or that may hereafter be erected in said city; and the mortgage herein above provided for may be made to cover future acquired property.

Rates

Sec. 6. Be it further enacted, That it shall be the duty of said city council to charge individuals and corporations who may be supplied with water from the water works to be purchased or erected under this act, a rate for the water used or con-

sumed by such persons or corporations, sufficient to pay the interest on the bonds issued under the provisions of this act, and apply the same to the payment of such interest when due: *Use of proceeds* Provided, The rates so charged and collected shall not exceed the limit prescribed by Section 4 of this act; and, provided further, that the operating expenses of said works shall first be paid from such receipts.

Approved February 21st, 1899.

No. 601)

AN ACT

(H. 572)

To provide that the office of Superintendent of Education of Macon County shall hereafter be filled by election by the qualified voters of said county, and to provide for the election of a Superintendent of Education for said county.

Section 1. Be it enacted by the General Assembly of Alabama, That the office of superintendent of education of Macon county shall hereafter be filled by election by the qualified voters of said county, and not by appointment. *Election*

Sec. 2. Be it further enacted, That a superintendent of education for said County of Macon shall be elected by the qualified voters of said county at an election to be held on the first Monday in August, eighteen hundred and ninety-nine. *Time*

Sec. 3. Be it further enacted, That the sheriff of said county shall give notice for thirty days of said election by publication in a newspaper published in said county, and the judge of probate, clerk of the Circuit Court and sheriff of said county shall appoint managers and returning officers for said elections according to the laws governing State and county elections, at least ten days before the date of said election, and the said election shall be conducted in all respects according to the law governing other State and county elections. *Duty of sheriff*

Sec. 4. Be it further enacted, That the person elected superintendent of education for said county

Oath and bond at said election shall, before entering upon the duties of said office, take the oath of office and execute bond to be approved and filed as is now required by law of other county superintendents of education.

Term Sec. 5. Be it further enacted, That the person elected superintendent of education for said county shall enter upon the duties of said office on the third Monday in August, eighteen hundred and ninety-nine, and shall hold office until the first day of October, nineteen hundred.

When elected Sec. 6. Be it further enacted, That a superintendent of education of Macon county shall be elected at the general election for State and county officers on the first Monday in August, 1900, and every two years thereafter and the term of office shall commence on the first day of October succeeding each election and said office shall hereafter in all respects be governed by the general laws of the State.

Approved February 21st, 1899.

No. 602)

AN ACT

(H. 1194

To amend Section 4 of an act entitled "An act to incorporate the Town of Camp Hill," approved February 18th, 1895.

Section 4 amended Section 1. Be it enacted by the General Assembly of Alabama, That Section four of an act entitled "An act to incorporate the Town of Camp Hill be amended so as to read as follows:

Elections Sec. 2. Be it further enacted, That the election of mayor and councilmen shall be held on the first Saturday in March, 1899, and at the same time every two years thereafter, and each of them shall hold and exercise the office to which he is elected from the day he qualifies and until his successor is elected and qualified.

Approved February 21st, 1899.

No. 603)

AN ACT

(H. 578

To reincorporate and establish a new charter for
the Town of Elba.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the present Town of Elba, in the County of Coffee, State of Alabama, be, and the same are hereby reincorporated as the "Town of Elba," and the corporate limits of said town shall be as follows: Beginning at the point where Beaver dam creek enters into Pea river, and thence along and up the west bank of said Pea river to the point where White Water creek enters into said Pea river, thence along and up the west bank of said creek to the Stoudenmire old mill place, thence on a direct line from said mill place in a westerly direction to the "One Mile Bridge," across Beaver dam creek along the road leading from Elba to Andalusia, and thence down the eastern bank of said Beaver dam creek to where the same enters into Pea river, the point of commencement. And the present and future inhabitants of said town shall be and continue a body politic, and corporate under the name and style of the "Town of Elba." Said corporation shall have perpetual succession, shall sue and be sued, plead and be impleaded in all the Courts of law and equity, and in all actions whatsoever; may purchase, own, receive and hold property, real and personal, within said town, and may sell, lease and dispose of the same for the benefit of the town; and may own, purchase and hold real and personal property, beyond the limits of the town for any purpose that the mayor and council may deem necessary and proper, and may sell, lease and dispose of such property, for the benefit of the town to the same extent as natural persons. It shall have and use a common seal and change it at pleasure, and shall have police jurisdiction extending one mile beyond the corporate limits: Provided, That it shall not extend within the corporate limits of any other town.

Name

Corporate
limits

Rights

Government

Sec. 2. Be it further enacted, That the government of said town shall be styled "mayor and council of Elba," and shall consist of a mayor and five councilmen, who shall have been citizens and householders of said town for six months next preceding the election at which they offer, and shall serve for the term of one year and until their successors are elected and qualified; said officers to be elected by the qualified voters of said town.

Elections

Sec. 3. Be it further enacted, That the regular elections for said offices shall be held annually on the first Monday in June, and shall be conducted by two or more qualified electors, who shall be appointed by the mayor for that purpose, and said mayor so elected shall possess within the corporate limits of said town all the power and jurisdiction of a justice of the peace, and shall have concurrent jurisdiction with the Circuit Court, to try all the misdemeanors known to the laws of the State of Alabama, committed within the corporate limits of said town, and to have all the powers and jurisdiction of a notary public in Coffee county. The mayor and councilmen shall determine the legality of elections and declare who are the duly elected officers, and in case of a tie shall determine who are mayor and councilmen, but the corporation shall not be dissolved should there be no election as herein provided, in which case the mayor, with the consent of the councilmen, shall forthwith order an election to be held on some day within thirty days thereafter. It shall be the duty of the

Duties of

mayor

mayor to preside at the meetings of the town council and to carefully examine all ordinances passed, and should any one of them not meet his approbation, return the same to the next regular meeting of the town council, with his objections in writing, and no ordinance so vetoed by the mayor shall go into effect unless the same pass by a majority vote of the whole number of the members of the town council. No bill shall become an ordinance without first having been read one time, and passed by a majority vote of the whole members of the board, and until said bill shall have been

signed by the mayor, or without his signature, as provided by this act. The mayor shall be required to veto only such parts of the bill as he may deem objectionable, and may approve the residue of the same bill. If the mayor fail to return the ordinance to the next regular meeting of the town council he shall be deemed to have approved the same, and it shall become a law without further action. The mayor shall have power to make pro tempore appointments to fill vacancies occasioned by sickness, absence or other disabilities of the town officers, and to suspend any town officer except town councilmen, for misconduct in office, neglect of duty, reporting his action with the reason therefor in writing to the next regular meeting of the town council, by whom final action shall be taken. He may, whenever in his judgment, the good of the town requires it, call special meetings of the council, and when so called he shall state the object for which it was called, and the business of such meeting shall be restricted to the objects so stated. He shall at least once in every three months cause to be presented to the town council a full and complete statement of the financial condition of the town. The mayor shall from time to time communicate to the town council such information and recommend such measures as may in his judgment tend to the improvement of the finances and general interest of the town. He shall take care that all the ordinances are duly respected and observed within the town and perform such other duties as may by ordinance be required of him. The compensation of the mayor and other officers shall be fixed by the mayor and council. In case of the absence of the mayor the councilman elected pro tempore shall discharge his duties, and is hereby en clothed with authority for that purpose. And in case the mayor's office is vacated by death, resignation or any other cause the mayor pro tempore shall discharge the duties of said office until his successor for the unexpired term is elected by the town council, and in case of absence by the mayor or mayor pro tem, or the disability of either, the

Duties of
mayor

town council may be called in special session by any member, and one of their number be designated to act as mayor pro tem.

Oath

Sec. 4. Be it further enacted, That the mayor and each councilmen shall before entering upon the duties of his office take an oath that he will support the Constitution of the United States, and State of Alabama, and will faithfully and impartially discharge the duties of his office. The council shall elect one of their own number to be the presiding officer to act in the mayor's absence, who shall be clothed with the authority of the mayor pro tem. The town council may determine its own rules of proceedings, and prescribe the punishment of its members for non-attendance or disorderly conduct, and enforce the same, two-thirds of its members concurring may expel a member for improper conduct while in office. It shall require a majority of the members of the board to form a quorum for the transaction of business, but a smaller number may adjourn from day to day, and under the provisions of ordinance may compel the attendance of absent members by fine and penalty. To enable the mayor and council to fully investigate charges against its members or other officers, or such other matters as they may deem proper, the mayor, at the request of the board, is hereby empowered to issue subpoenas and compulsory process, to compel the attendance of persons and the production of books and papers, before the town council or any committee of the council. The town council shall hold meetings at such times as may be determined, not exceeding two regular stated meetings per month.

Council

Powers

Sec. 5. Be it enacted further, That the mayor and council of the Town of Elba, shall within the limitations of this act, have power by ordinances to levy and collect on all property, real, personal and mixed, within the corporate limits of said town, such taxes as may be necessary to defray the expenses of said corporation and for such other purposes as the mayor and council may deem proper for the good and welfare of said town, not to ex-

ceed the rates prescribed by the Constitution of the State of Alabama, and to enforce the same, according to the provisions of this act; to levy and collect taxes upon all privileges, trades and occupations of not more than one hundred dollars; to appropriate money and provide for the payment of the debts and expenses of the town, and also the debts of the municipal corporation of which it is the successor; to establish hospitals and make regulations for the government thereof; to establish a system of public or free schools, and regulate the same; to make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances; to provide the town with water by water works, within or beyond the limits of the town or by contract, and to provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to make appropriations to open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys, sidewalks, or to have the same done, and to plant shade trees, and to erect, establish and keep in repair bridges, culverts and sewers, and gutters; and to that end may condemn private property, as provided by the general laws of the State of Alabama, relating to ad quod damnum proceedings; to make appropriations for lighting the streets, and for the erection of all buildings for the use of the town; to license, tax and regulate auctioneers, groceries, merchants, bankers, peddlers, butchers, livery stable keepers and other privileges; to license, tax and regulate hackney carriages, cars, omnibuses, wagons, drays and vehicles, and to fix the rate to be charged for the carriage of persons and property within the corporate limits of the town; to license, tax and regulate theatrical and other exhibitions, shows and amusements, except lectures, and concerts for religious and charitable purposes; to regulate, prohibit, or suppress all gambling houses, disorderly and bawdy houses, and obscene pictures and literature, to regulate, restrain or prevent the carrying on of manufactories, dangerous in causing or pro-

Powers

Powers

ducing fires; to regulate the storage of gun powder, tar, pitch, rosin, salt-petre, and all other combustibles, explosive or inflammable material, and the use of lights, candles, lamps, and steam pipes in stables, shops, and other places, and to regulate and suppress the use and sale of fire crackers and toy pistols; to establish weights and measures to be used in the town, and to appoint a sealer of standard weights and measures, who shall have exclusive jurisdiction within the town; to provide for and regulate the inspection of beef, pork, meal, milk, butter, lard, and all other kind of provisions; to regulate the vending of meat, poultry, fish, fruit and vegetables; to establish and regulate markets; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation; to provide for the arrest, imprisonment and punishment of all riotous and disorderly persons, within the town, by day or night, and for the punishment of all breaches of the peace, noise, disturbance or disorderly assemblies, and to provide for the punishment thereof by imprisonment, or by hard labor for the town; to pass all ordinances necessary for the health, convenience and safety of the citizens, and carry out to the fullest extent the meaning of this act, and to accomplish the object of this incorporation, to impose penalties upon the owner, or owners, occupants or agents of any house, wall, sidewalk or other structure, that may be considered dangerous or detrimental to the citizens, unless after due notice to be fixed by ordinance, the same be removed or repaired; to regulate, tax, license or suppress the keeping or going at large of all animals within the town, to impound the same, and in default of redemption in pursuance of ordinance to sell or kill the same; to erect and organize a work house in or near said town, and any person who shall neglect to pay any fine or penalty imposed upon him by or under any ordinance of said town, may be committed to such work house, until such fine and cost shall have been paid in full, or may be hired out to hard labor, or sentenced to

hard labor on the streets of said town, one or all such punishments, until said fine or forfeiture are fully paid; to appoint, regulate and govern a marshal and police force, to impose fines, forfeitures, penalties, and terms of imprisonment and hard labor, one or all of said punishments, for the breach of any town law or ordinance, but no fine or penalty shall exceed one hundred dollars, and no term of imprisonment or hard labor shall be for a longer term than thirty days for the same offense; to impose penalties upon persons convicted of cruelty to animals; to provide for the improving, inclosing and regulating all public grounds belonging to the town, in or out of the corporate limits of said town; to regulate and provide for the construction and repair of sidewalks, and foot pavements, and if the owner or owners of adjacent lot or lots shall fail to comply with the provisions of such ordinance within such time as may be prescribed, the town council may contract for the construction or repair of such sidewalk or pavement, and the town shall pay the same, and the amount so paid shall be a lien upon said lot and may be enforced by attachment in law or equity, or the amount may be recovered against said owner by suit before any Court of competent jurisdiction; to compel owners of buildings to erect fire escapes when necessary for the safety of occupants; to grant the right of way through the streets, avenues and squares of said town, for the purpose of street, railroad or other uses, telephone, telegraph, and electric light companies, and for laying pipes for gas and water companies; to take and appropriate ground for widening and extending streets, or parts thereof, or for laying out new streets, avenues, squares, parks, promenades, when the public convenience requires it, when just compensation, to be determined by the laws of the State of Alabama, regulating proceedings of ad quod damnum, and condemnation of railroad corporations; to establish, regulate or change fire limits, within the town and pass all laws necessary for the protection of said town against fire, and for this purpose may remove wooden buildings or structures, paying the owner

Powers

Powers

therefor a reasonable price, which shall be determined by arbitration, the arbitrators to be selected as follows: One by the owner of the property, and one by the mayor of the town. In case of a failure to agree the arbitrators so selected shall choose a third arbitrator, and the amount agreed upon by a majority of arbitrators shall be final; and to punish by fine or imprisonment, the erection of any buildings in said fire limits, other than those prescribed by ordinance; to regulate the speed of trains, cars, locomotives on railroads or tramways in said town, and to punish by fine or otherwise for violation of such regulations; to establish and build drains, sewers, aqueducts, and reservoirs, and to regulate the same, and to take and appropriate any land or right of way necessary for such drains, sewers, aqueducts, or reservoirs, upon just compensation to be determined according to the laws of the State, regulating proceedings of ad quod damnum; and to pass all ordinances necessary to compel owners of lots or real property to ditch and drain the same at the expense of the owner, and to punish any refusal or neglect by such owner or agent of such property by fine or imprisonment, or hard labor, one or all; to prevent and remove all nuisances at the expense of the owner or the person causing the same or upon whose premises the same may be found; to regulate privies and privy and water closets, sinks and wells; to make all ordinances necessary concerning idlers, paupers, vagrants, tramps, and disorderly or vicious persons, and correcting or restraining their vicious habits; to punish all persons who in any manner may resist or obstruct the marshal, policeman, or deputy marshal in the arrest of any persons when they have the right to arrest them, and for the punishment of any person, who, when called upon to aid in the arrest of any person, when they have the right to arrest them, shall fail to give aid, or when summoned to act as patrol, refuses to act without a good excuse, and when any person is so called on and aids such officer as required he shall not be liable to punishment therefor, nor to any damage

in a civil suit: Provided, He did no more than was necessary to effect such arrest; to punish for injuries to streets, sidewalks, houses, trees, and all other property; to exempt from town taxation for a period of not longer than five years any new enterprise, business or industry which may come into said town after the passage of this act; to establish night and day police; to prevent and punish violations of the Sabbath, any disturbance of or interference with public or private worship; to punish profane, abusive, insulting or obscene language, indecent exposure of the person, or any improper exhibition; to restrain, license and regulate the sale and disposal in any way of spirituous, vinous or malt liquors sold or disposed of within the corporate limits of said town; to fix the amount of license, not to exceed two thousand dollars; to license, regulate and tax billiard and pool tables, Jenny Linn tables and bowling alleys; to enact such laws and ordinances as may be necessary to regulate the hiring and working of convicts of the town, not inconsistent with the laws of the State of Alabama, and of this act; to take care of, remove, preserve, designate and establish all burying grounds within said town; to issue bonds of said town for an amount not exceeding ten thousand dollars, to be devoted to such purposes as the mayor and council may deem to the best interest and general welfare of the town, said bonds to be in denominations of not less than one hundred dollars, and payable not less fifteen years from the date of issuance, bearing interest at the rate of not more than 8 per cent., said interest payable annually to bearer, to be signed by the mayor, and countersigned by the treasurer of said town, the latter of whom shall keep a correct record and account of all the bonds issued and disposed of under this act, but said bonds shall not be sold for less than ninety cents on the dollar, and the proceeds of said bonds shall be paid over and kept by the treasurer of said town, to be used and applied for the purposes aforesaid: Provided, That before any bonds shall be issued under the

Powers

Bonds

provisions of this act the mayor and councilmen, shall order an election, and prescribe the manner of holding the same, and if a majority of the qualified voters at said election shall oppose the issuance of bonds, then none shall be issued, but if otherwise, they shall be issued.

Town officers Sec. 6. Be it further enacted, That the mayor and council of said town shall have power to employ or appoint a clerk, marshal and all other officers they may deem advisable for the good and convenience of the town, and may fix and regulate their duties; also may employ counsel for advice and for the prosecution of offenders, and for defense of all suits against the town, and for such other purposes as the mayor and council may deem necessary for the good and welfare of the town.

Uses of
revenue Sec. 7. Be it further enacted, That the mayor and council of said town are forbidden to make an appropriation of money or credit in any way for the purpose of donations, festivities, or pageants, and they are hereby prohibited from employing or appropriating the revenues and taxes in any other manner than for the purposes strictly municipal and local and according to the provisions of this act.

Committees Sec. 8. Be it further enacted, That the town council shall by ordinance determine the number of standing committees and the number of members of each committee and their duties. The mayor shall appoint such committees as soon as practicable after election, and he shall be ex-officio a member of each, but shall not be entitled to a vote, except in case of a tie.

Ordinances Sec. 9. Be it further enacted, That the ordinances passed by the mayor and council of said town shall begin as follows: "Be it ordained by the mayor and council of Elba," and shall at the end of the ordinance contain the provision that "this ordinance shall go into effect from and after its passage, the welfare of the town requiring it," otherwise the same shall not take effect until ten days after its passage, and after publication by posting or otherwise.

Sec. 10. Be it further enacted, That the marshal and several members of the police force shall have the same power and authority to arrest offenders, execute process and enforce the laws, by-laws and ordinances of the town as sheriffs have, and shall be vested with the same authority in the discharge of their duties as is conferred upon the sheriffs by the laws of this State. He shall also have power to arrest offenders in any part of the county, upon warrant issued by the mayor. He shall at all times be authorized to arrest, without warrant, offenders for offenses committed in his presence, or for offenses which he has probable cause to believe were committed within the corporate limits of said town, and keep them in custody until tried, unless bail is given, and he shall without delay report the arrest and its cause to the mayor.

Marshal and
police

Sec. 11. Be it further enacted, That every person committed to the work house or to hard labor shall be required to work at such labor as his health and strength will permit within or without said town, not exceeding ten hours a day, and for such work the person so employed shall be allowed, exclusive of his board, fifty cents per day until his fine and the costs are paid.

Fine and
costs

Sec. 12. Be it further enacted, That the mayor and town council are authorized and empowered to create such offices, and to provide by ordinance for the appointment or election of all such officers as may be necessary for the good government of the town, whose compensation and bond and the time of service shall be fixed before their election or appointment. That the mayor and town council shall have authority at any time to abolish any office created by them. All elections by the town council shall be viva voce on the call of the roll. All offices created by this act or by ordinance shall give such bond as the mayor and town council may fix and decide.

Town officers

Sec. 13. Be it further enacted, That all tax-
fectors of taxes in said town shall have the power to issue distress warrants and alias and pluries

Taxes

distress warrants in the name of the mayor and town council, the same to be executed by the marshal or any police officer.

Taxes

Sec. 14. Be it further enacted, That the town council shall elect a tax assessor, whose term of office shall be one year, or such other term as the mayor and council may fix, and whose salary and bond the mayor and council may prescribe and fix. It shall be the duty of the tax assessor, before the first day of April in each year, to assess for taxes all property, real, personal and mixed within the corporate limits of said town, subject to taxation under the laws of Alabama, such assessment naming the person liable for such taxes when known, and specifying and valuing the property when so assessed, and when the owner of the property so assessed is unknown to the assessor, so state in said assessment, which assessment shall be returned to the mayor and town council, and the mayor shall cause at least ten days public notice that such assessment has been made, and the time when the town council or a committee thereof will hear and determine upon all complaints which may be made against said assessments, and it shall be the duty of the town council, or a committee thereof, to correct errors and supply omissions, and when the same has been passed upon by the town council they shall levy a tax thereupon, and such levy shall have the force and effect of a judgment and execution, and on failure of the owner of any property to pay said taxes, the assessor or party collecting said taxes, may collect the same by levying upon and selling such property, or any property of any other kind owned by such delinquent tax payer; and, provided further, that all sales of property under the provisions of this act must be advertised by posting written notice of the time, and place of sale, in front of the court house door of said county, or by publication in a newspaper published in the town for three successive weeks, next preceding the sale, which notice must also contain a description of the property so levied upon, and the name of the person to whom assessed, when

Sales

known, and if unknown, the fact that said assessment was against an unknown owner, and the amount of taxes, costs and charges for which it is to be sold. Certificates of purchase must be given when real estate has been sold, by the officer making the sale of such property, similar to those given on sales of real property for the collection of State and county taxes, and the recitals therein of all the acts and procedure hereinbefore provided for prior to the sale, shall be prima facie evidence of the facts and proceedings so recited, and such certificate invest the purchaser or his assignee with the right to the possession of said lands. Any real property sold for taxes under the provisions of this act may be redeemed at any time from date of sale, by payment to the purchaser or his assignee, the amount of the purchase money, all costs and expenses attending the proceedings to a sale, with the costs of sale, and all subsequent costs and expenses, and taxes that may have been paid since said sale, and interest thereon at the rate of 15 per cent per annum, and upon such payment shall receive a certificate of redemption therefor from the mayor of the town, which shall reinvest the owner with the right to the possession of said lands: Provided, That if any improvement in the way of buildings of any kind, has been made on said real estate since the sale thereof, and prior to the offer of redemption, the tender of the purchase money, taxes, costs and interest as aforesaid, by the party against whom the redemption is sought, or by any one claiming under said tax sale, the party offering to redeem shall pay to such owner the value of such improvements; should they fail to agree on the amount of the value of the improvements, the owner may sue the redemptioner for the value thereof in any Court of competent jurisdiction and for the amount recovered, he shall have a lien upon the real estate for the enforcement of such judgment, and the person seeking redemption shall pay said judgment before he is entitled to redeem. Said lien shall attach to said real estate from the

Right to
redeem

Right to
redeem

time the improvement is made as against the redemptioner or those claiming under him. All suits for the recovery of real estate sold or redeemed under the provisions of this act, must be commenced within six months from the accrual of the right of possession. The time of redemption of real property so sold, shall be the same as provided by the law of the State of Alabama, and at the expiration of the time for the redemption of the property sold, the mayor must, upon the presentation of the certificate of purchase, execute a deed to the holder of said certificate, in accordance with the laws of the State of Alabama as to such deeds made by the probate judge, and the mayor shall be entitled to the sum of three dollars therefor.

Street tax

Sec. 15. Be it further enacted, That all persons residing within the corporate limits of said town, who are liable to road duty under the laws of the State of Alabama, shall pay such street tax, not exceeding five dollars per year, as may be prescribed by the mayor and council of said town; or failing to pay such tax shall be required to work ten days on the streets of said town, and if any person refuse to pay such tax or refuse to do such work, he shall be fined five dollars for such refusal, or imprisoned in the county jail, or put to hard labor for the town, one or all of such punishments may be inflicted.

Jurisdiction
of mayor

Sec. 16. Be it further enacted, That the mayor of said town of Elba shall have jurisdiction of and power to try all violations of law, by-laws and ordinances of the town, and original jurisdiction concurrent with the Circuit Court to try all misdemeanors known and punishable by the laws of the State of Alabama, committed within the corporate limits of said town, and shall have power to punish by fine and imprisonment, or by one or both, all contempts of Court or process; and in case of the absence of the mayor the mayor acting pro tempore shall have all the power and jurisdiction of the mayor, and to the end, therefor, the forms of affidavit, and warrant prescribed by the laws of Alabama, in regulating county courts and proceedings

Appeal

therein, shall be used: Provided, From any judgment or decision of said mayor, as such, an appeal may be taken by the defendant to the Circuit Court of Coffee county, upon defendants entering into bond with good and sufficient surety, to appear at the next term of the Circuit Court of Coffee county, to which the appeal is taken, and from term to term thereafter, until discharged by law, to abide by whatever sentence may be adjudged against him, the bond to be payable to the Town of Elba, in such penalties as the mayor shall prescribe, and to be approved by him; and such case shall be placed on the criminal docket, and if the defendant be convicted the Court or jury trying the same may impose the fines and imprisonment, one or both, just as the mayor could have done under the ordinance of the town upon conviction before the mayor. And in case the defendant does not appear at the trial, but makes default, then his bond shall be declared forfeited, and judgment shall be rendered thereon against the defendant and his sureties as in State cases, except that the judgment shall be in favor of the Town of Elba: Provided, That such appeal shall be taken and fully perfected within five days from the rendition of such judgment by the mayor, and the case shall be tried de novo, and it shall be the duty of the Court to speed the trial thereof. The mayor shall have jurisdiction of all proceedings by motion, scire facias, or other writs established for the collection of any penal bond, payable to said Town of Elba, taken under this act or under any ordinance of said town, passed under and in pursuance of this act, and from his judgment rendered in such proceedings, executions thereon may issue and be enforced as executions from the Circuit Court. And said mayor shall have the right, when the good and safety of the town may require it, to call upon or demand the aid of the sheriff of Coffee county. On the trial of any cause in any of the Courts of this State the code or book containing the by-laws of ordinances of said Town of Elba, and purporting on the face thereof to be printed or written by the authority

Bar to prosecutions

Felonies

Sheriff

Effect of this act

of the mayor and council of said town, shall be received as evidence thereof without further proof. From the judgment of said Circuit Court, the defendant may appeal to the Supreme Court of the State, and in all civil or quasi criminal cases the Town of Elba may appeal to the Circuit or Supreme Court of the State. In all cases where persons convicted or acquitted before the mayor or acting mayor, for any offense which is a misdemeanor under the laws of the State, such conviction or acquittal shall be a bar to a prosecution of such persons for such offense before any State Court. The mayor or acting mayor shall have the same power, authority or jurisdiction to try and punish all persons committing misdemeanors within the corporate limits of said Town of Elba as the judge of the Circuit Court; and in all cases where persons are brought before the mayor or acting mayor on a charge which is made a felony by the laws of this State, it shall be the duty of the mayor or acting mayor, if, on the investigation of the charge, there is reasonable cause to believe that a felony has been committed, and that the defendant is guilty thereof, to bind such defendant over to appear before the Circuit Court of Coffee county, and to proceed in all respects in such case as justices of the peace are required by law to proceed. The sheriff of the County of Coffee and ministerial officers shall obey the mayor, and shall faithfully execute all warrants, processes and orders committed to him for service according to their mandate, and when so acting or serving said mandates shall receive the same fees therefor as are now allowed them by law for like services, and it is made the duty of the jailor of said county to receive persons committed by said mayor, or acting mayor, and the person or persons so committed safely to keep confined in jail until delivered by due course of law.

Sec. 17. Be it further enacted, That no prosecution, suit, or claim whatever, pending or to be brought under the existing laws, shall in any manner be affected, impeded, or altered by the passage

of this act. And all the existing ordinances, by-laws and regulations of said Town of Elba, and not inconsistent with the provisions of this act, shall be and remain in full force and effect as the by-laws and ordinances of said town, until amended or repealed by the mayor and council of said town. And all the present officers of said Town of Elba shall be subject to the provisions of this act, in all things that pertain to their official acts and duties, and shall be vested with all the powers, rights and jurisdiction conferred by this act during their term of office and until their successors are elected and qualified.

Sec. 18. Be it further enacted, That the mayor shall keep a docket, showing all proceedings against offenders under the laws and ordinances of the town, in which must be entered the names of parties, return of the officer and entry of the judgment. Docket

Sec. 19. Be it further enacted, That the mayor, or such officer as he may appoint, shall keep a record in a well bound book whereon shall be entered the names of persons, when known, and if unknown the fact that they are unknown, against whom taxes shall be assessed, a description of the property so assessed, the amount of the assessment, the manner and time of notice given as prescribed by Section 14 of this act, and the amount of tax levied by the mayor and council or a committee thereof, and the time of such levy. And if property be sold for the payment of taxes said record shall recite the time, and maner of sale, and a description of the property sold, the date of sale, and the amount bid, and the time of redemption. Such record shall be prima facie evidence of all matters therein recited. Tax book

Sec. 20. Be it further enacted, That the mayor and council now in office in said town, shall continue to exercise the duties and functions of their said offices, until their successors shall be elected and qualified. Present officers

Sec. 21. Be it further enacted, That no elector shall be permitted to vote at any election in said Voters

town until he shall have been a resident citizen of the State of Alabama for twelve months and of said town for three months.

Discharge of
duties

Sec. 22. Be it further enacted, That any officer elected or appointed, by the mayor and council or the mayor, under the provisions of this act, may discharge the duties of one or more or all the offices provided for herein as the mayor and council may by ordinance provide.

Repeal

Sec. 23. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved February 21st, 1899.

No. 604)

AN ACT

(H. 870

To establish a separate school district in Chambers County.

School district of Alabama, That a separate school district, to be known as the Judson school district, to be established subject to the public school laws of the State of Alabama, to be composed of the following territory, to-wit: One and a half miles in each and every direction from Judson school house.

School funds That the said separate school district shall receive its proportionate share of the public school funds of said township, including its pro rata share of the sixteenth section fund; and it shall also receive all the tax collected from the white people as poll tax within the limits of the territory set forth, and the county superintendent of education shall set apart from the county school fund and disburse and use pro rata share exclusively for the maintenance of the public school at Judson school house in said separate school district.

Approved February 21st, 1899.

No. 605)

AN ACT

(H. 597)

To amend an act entitled "An act to create a separate school district in Henry County, and to define the boundary thereof," approved February 16th, 1895.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of an act entitled "An act to create a separate school district in Henry county, and to define the boundaries thereof," approved February 16th, 1895, be amended so as to read as follows: "Section 1. Be it enacted by the General Assembly of Alabama, That there is hereby created in Henry county a separate school district, to be known as Headland school district, composed of that portion of Henry county, Alabama beginning at the center of the square of the Town of Headland and running one mile therefrom in all directions."

Approved February 21st, 1899.

No. 606)

AN ACT

(H. 695)

To authorize and require the Court of County Commissioners of Crenshaw County to provide an office for the county solicitor in the court house of said county, and to prohibit the occupancy of any part of said court house by any persons other than the county officers, their clerks, deputies or employees.

Section 1. Be it enacted by the General Assembly of Alabama, That immediately upon the passage and approval of this act, it shall be the duty of the Court of County Commissioners of Crenshaw county to provide and appropriately furnish an office for the county solicitor of said county in the court house thereof, and that such office shall thereafter be known as the office of the county solicitor of Crenshaw county.

Offices in
court house

Sec. 2. Be it further enacted, That from the passage and approval of this act it shall be unlawful for any person other than the probate judge, sheriff, clerk of the Circuit Court, treasurer, tax collector, tax assessor, superintendent of education, register in chancery, county solicitor, county tax commissioner, and county commissioners and the clerks, deputies or employes of said officials to occupy or inhabit any of the offices, rooms or apartments of the court house of Crenshaw county.

Penalty

Sec. 3. Be it further enacted, That any person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor: Provided, The provisions of this act shall not apply to public gatherings, such as conventions, public speakings, preachings, etc.

Repeal

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved February 21st, 1899.

No. 607)

AN ACT

(H. 838

To authorize the Court of County Commissioners of Tuscaloosa County to levy and collect annually a special tax for the erection of necessary public buildings and bridges, and to provide how said money shall be kept and expended.

Special tax

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners of Tuscaloosa county, at the first regular meeting after the passage of this act, and at the first regular meeting of said Court in each year thereafter, shall annually at the time of levying taxes for general county expenses and purposes, levy a special tax for the erection of necessary public buildings and bridges, to be known as the "bridge tax," and not to exceed one-tenth of one per centum of the total assessed value of the property of the said county, which shall be collected

and paid into the county treasury as other taxes and kept by the treasurer separate and apart from the other funds of the county, and under the direction of the Court of County Commissioners shall be used on public buildings and bridges, and for no other purpose.

Sec. 2. Be it further enacted, That from and after the passage of this act, that no part of the revenue of Tuscaloosa county levied and collected for general purposes shall be appropriated or used for the purposes for which this special tax is hereby authorized.

Use of
revenue

Sec. 3. Be it further enacted, That this act shall go into effect immediately upon its final passage, and shall authorize the Court of County Commissioners to levy said special tax for the tax year of 1899.

When act
goes into
effect

Approved February 21st, 1899.

No. 608)

AN ACT

(H. 895

To prescribe the time when final decrees in the Chancery Court of Jefferson County shall pass beyond the power of the Court.

Be it enacted by the General Assembly of Alabama, That hereafter final decrees rendered in the Chancery Court of Jefferson county shall, after the expiration of thirty days from the date of their enrollment in said Court, be held to be as entirely beyond the control of said Court, as though the term of said Court at which said decrees were rendered, had ended at the end of said thirty days. But this act shall not be held to effect in any manner the right to apply for a rehearing, as provided by the rules of chancery practice, within said thirty days.

Final decree

Approved February 21st, 1899.

No. 609)

AN ACT

(H. 1010)

To confer upon the Montgomery Brewery, a corporation organized under the laws of the State of Alabama, additional powers.

Powers

Section 1. Be it enacted by the General Assembly of Alabama, That in addition to the powers, privileges, immunities and franchises, conferred upon the Montgomery Brewery by the general incorporation laws under which it was incorporated as a manufacturing corporation, it shall have the power to furnish, supply, lease, or hire, to other corporations or persons, power, refrigeration, or other facilities for the manufacture of beer or its machinery and plant or any part thereof for the manufacture of beer, the power to engage in the business of cold storage, and the power to subscribe for, purchase or otherwise acquire capital stock in other corporations.

Contracts

Sec. 2. Be it further enacted, That said corporation shall have the power to make and enter into all contracts, and to do and perform all such matters and things as may be necessary or desirable to carry out the purposes of said corporation under the general incorporation laws of the State of Alabama, under which it was incorporated, and herein set forth.

Approved February 21st, 1899.

No. 610)

AN ACT

(H. 1045)

To authorize the Mayor and Council of the City of Demopolis to issue bonds of said city for an amount not exceeding fifty-five hundred dollars, bearing interest at a rate not exceeding five per cent. per annum, for the purpose of purchasing the Marengo Female Institute property in the City of Demopolis.

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the

City of Demopolis be and they are hereby authorized to issue bonds of said City of Demopolis to an amount not exceeding fifty-five hundred dollars, or so much thereof as said board may deem necessary, for the purposes hereinafter named, in sums of one hundred dollars each, and payable at such times and places as said board may designate, not exceeding thirty years from the date thereof, and redeemable at the pleasure of said city, at any time after the period of twenty years, with coupons attached, bearing not exceeding five per cent interest per annum, and payable semi-annually to bearer; said bonds and coupons being payable in gold of the present standard weight and fineness.

Bonds

Sec. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said city, and the seal of the city shall be affixed thereto, and the said treasurer is required to keep a correct record of all bonds issued under this act.

Signed by

Sec. 3. Be it further enacted, That the said mayor and council of Demopolis are hereby empowered and authorized to do any and all things that may be necessary to carry out the powers hereby granted, either through themselves, or by an agent or agents duly authorized or appointed by them for that purpose at any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, irregularity, neglect or omission, in the proceedings or records of said board shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Authority of
mayor and
council

Sec. 4. Be it further enacted, That the mayor and council of said city are hereby empowered and authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than par (one hundred cents on the dollar) and the proceeds of said bonds shall be paid over and kept by the treasurer of said city and to be used and applied to the purchase of the Marengo Female Institute property in

Sale of bonds

the City of Demopolis, such use, payment and application of said proceeds to be under the direction and by authority of said board of mayor and council, and the said treasurer to be responsible for the safe keeping of all the proceeds arising from the sale of said bonds which may come into his hands in his official capacity, the same as for other city funds or money in his hands as treasurer, and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act.

Unlawful

Sec. 5. Be it further enacted, That it shall be unlawful for the said board of mayor and council, or any member thereof, or any of the officers of said City of Demopolis, to apply the proceeds of the sale of the bonds issued in the pursuance of this act to any other purpose than that hereinbefore specified.

Authority to
convey

Sec. 6. Be it further enacted, That the board of trustees of the Marengo Female Institute be and they are hereby authorized and empowered to convey to the said City of Demopolis, by deed or otherwise, the said property belonging to the said Marengo Female Institute.

Present board

Sec. 7. Be it further enacted, That the present board of trustees of said Marengo Female Institute be and the same are hereby continued in office, and shall continue to manage and control the affairs of said institute under their present authority, and shall make an annual report to the board of mayor and councilmen of the city of the income and expenditures of said institute, and they shall first pay the interest on said bonds and the insurance on the property.

Approved February 21st, 1899.

No. 611))

AN ACT

(H. 1047

To authorize the Commissioners Court of Etowah County to levy a tax for working the public roads of said county, and to provide for keeping said roads in repair.

Section 1. Be it enacted by the General Assembly of Alabama, That all male inhabitants of Etowah county between the ages of eighteen and forty-five years, not exempt from road duties under the general laws of the State, shall be required to work upon the public roads in said county four days in each year, or instead thereof shall pay to the overseer of the road to which they are respectively apportioned two dollars on or before the first day of April, and two dollars on or before the first day of October of each year; and they may be required to work an additional day during the year upon the public roads in said county, or instead thereof shall pay to the overseer of the road to which they are respectively apportioned one dollar, when in the opinion of the Court of County Commissioners the condition of the public roads require it. Road tax

Sec. 2. Be it further enacted, That the Court of County Commissioners of said county shall levy a special tax not to exceed one-tenth of one per cent. on the taxable property of said county, which shall be a part of the one-half of one per cent. now authorized by the Constitution for county purposes, to be assessed and collected as other taxes, and, when paid into the treasury, it shall be kept separate from other funds, and used only for the purpose of repairing the public roads of said county, by and under special contracts or otherwise as such Court may determine or consider best. Special tax

Sec. 3. Be it further enacted, That for the purpose of keeping the public roads in repair, the said Court of County Commissioners, at the first regular term in the year 1899, and every second year thereafter, must divide the county into a convenient number of road precincts, and must, at the Precincts

same Court, appoint three apportioners for each election precinct, which apportioners shall forthwith proceed to appoint an overseer to each road precinct; such overseer must be between the ages of twenty-one and fifty years; and the apportioners must return a list of overseers appointed by them to the probate judge of the county within thirty days after their appointment, who shall issue commissions as prescribed by law.

Road officers

Sec. 4. Be it further enacted, That the term of office of said apportioners and overseers be and is hereby fixed at two years from the day of appointment as hereinbefore provided, and if said term of two years is served out they shall be entitled to a certificate of exemption for the next two years; and if any person be appointed to serve out the unexpired term of any apportioner or overseer as hereinafter provided, such person shall, at the expiration of the term for which he has been appointed, be entitled to a certificate of exemption from road service for the length of time next after such term expires that he has served.

Duties of
overseer

Sec. 5. Be it further enacted, That each overseer shall, on the first of May and November, report under oath, to the probate judge of said county the number of days worked, and by whom, and the amount of money received by him from those subject to road duty and by whom paid. He shall prior to the first of April and October, call upon each man subject to road duty and apportioned to him by the apportioners, for two days work, but may take instead thereof two dollars, at the option of the said party; and, when the Court of County Commissioners shall so order, he shall call upon each man so apportioned to him, for one additional day's work, but may take instead thereof one dollar, at the option of said party; and, if any man fail or refuse to work or pay the amount of two dollars within the time specified, or fail or refuse to work or pay the amount of one dollar when called upon by the overseer of his road precinct, as hereinbefore provided, said overseer shall return him to a justice of the peace of the

precinct of his residence if there be a justice of the peace in said precinct, if not, then to a justice of the peace of an adjoining precinct, and he shall be proceeded against as road defaulters are under the general laws of the State, and all fines under the proceedings as herein provided shall be paid to the overseer making the case, and shall be reported by him to the probate judge as he reports the other money collected. And all moneys collected under the provisions of this section shall be paid to the probate judge of said county at the time of making the semi-annual reports, as hereinbefore required, and shall be applied to the repair of the public roads in the election precinct of the parties from whom collected, in such places and in such manner as the said Court may direct.

Sec. 6. Be it further enacted, That copies of orders of appointment of overseers and apportioners, Orders accompanied with statements as required by Sections 2461 and 2462 of the Code of Alabama, must, within ten days after said appointments, be prepared by the judge of probate; and, within fifteen days after the same are prepared, a copy thereof must be delivered to, or left at the residence of, said overseers and apportioners by the member of the Court of County Commissioners in whose commissioners district he resides, and an original with his endorsement of service be returned by said county commissioner to the judge of probate; and for each day of actual service rendered by each of said county commissioners, respectively, as required by this section, he shall be entitled to two dollars and fifty cents, to be paid as prescribed by Section 967 of the Code.

Sec. 7. Be it further enacted, That apportioners Apportioners before entering on their duties must take the oath prescribed by law, and all apportioners and overseers appointed and served with notice thereof as in this act provided, shall be required to perform all duties hereinbefore required, as well as all duties required by the general laws of the State not in conflict herewith; and all vacancies in the office of apportioner and overseer shall be filled and ex-

County con-
victs

cuses or resignations made and passed upon as provided by the said general laws.

Sec. 8. Be it further enacted, That said Court of County Commissioners may at its discretion employ the county convicts of said county in preparing material for and working upon the public roads or other public property of said county, under such regulations as said Court may adopt, or may hire out all or a portion of said convicts, as provided by the general laws of the State.

Rate allowed

Sec. 9. Be it further enacted, That when any person is sentenced to hard labor for the county, by any of the Courts of said county, and is put to hard labor or is hired out, as in the preceding section provided, said convict shall, after serving term of sentence for offense or fine, or both said offense and fine, if so sentenced, be allowed not less than thirty cents per day for serving term of sentence for costs, or such part of said term of sentence he may serve until said costs are paid as provided by law.

Repeal

Sec. 10. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 21st, 1899.

No. 612)

AN ACT

(H. 1059)

To authorize the Mayor and Councilmen of Demopolis to issue bonds of said city for an amount not more than twenty-five thousand dollars (\$25,000.00) for the purpose of building and constructing sewers in said city, and extending sewer mains leading from said city to such point as the board may deem advisable.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the board of mayor and councilmen of Demopolis be, and they are, hereby authorized to issue bonds of said city of Demopolis to an amount not exceeding twenty-five thousand dollars

or so much thereof as said board may deem necessary, for the purposes hereinafter named in denominations of not less than one hundred dollars each, and payable thirty years from the date of their issuance, with coupons attached, bearing interest at a rate not exceeding five per cent. per annum, and payable semi-annually to bearer, said bonds and coupons being payable in gold of the present standard weight and fineness, in the City of New York at some bank designated by the board.

Sec. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said city and the seal of the city shall be affixed thereto, and the city treasurer must keep a correct record and account of all bonds issued and disposed of under this act.

Signed by

Sec. 3. Be it further enacted, That said mayor and councilmen of Demopolis are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted, and no technical informality, irregularity, neglect or omission in the proceedings or record of said board shall in any wise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper, and at and before maturity thereof shall be receivable for all dues to the city in the way of taxes and otherwise.

Authority of
mayor and
councilmen

Sec. 4. Be it further enacted, That the said mayor and councilmen of said city are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act; that said bonds shall not be sold for less than par (100 cents on the dollar) and the proceeds of said bonds shall be paid over to and kept by the treasurer of said city to be used and applied in building and constructing sewers in said city, and in extending sewer mains leading from said city to such point as the board may deem advisable.

Use of
proceeds

Sec. 5. Be it further enacted, That the use, payment and application of said money shall be under the direction of said board of mayor and councilmen of Demopolis and the said treasurer shall be

City treasurer

responsible for the safe keeping of the proceeds arising from the sales of said bonds, which may come into his hands in his official capacity, the same as for other city funds, and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act.

When to be
issued

Sec. 6. Be it further enacted, That no bond or bonds shall be issued under this act except by an unanimous vote of all the councilmen of said City of Demopolis, held at a regular meeting of the board, ten days notice of which meeting shall be given all the members of said board.

Approved February 21st, 1899.

No. 613)

AN ACT

(H. 1069)

To regulate and provide for the trial of misdemeanors in Washington County, Alabama.

Trials in
county court

Section 1. Be it enacted by the General Assembly of Alabama, That in all preliminary proceedings before justices of the peace or notaries public, with powers of justices of the peace in the County of Washington, in cases of misdemeanors, if it appears that the offense has been committed and there is probable cause to believe that the defendant is guilty thereof, the defendant must be discharged on giving sufficient bail to appear at the next regular term of the County Court; but if the defendant fails to give such bond, such person must be committed to the county jail by an order in writing, and all papers and process in such case must be returned by the magistrate to the County Court by the first day of the next term of said Court, if practicable, and the judge of the County Court must proceed to try the cause on the original papers.

Appeals

Sec. 2. Be it further enacted, That all appeals by defendants from trials in criminal causes for misdemeanors from the justices of the peace or

notaries public with powers of justices of the peace, shall be taken to the next jury term of the County Court, and cases thus appealed must be tried de novo, as now required by law for the trial of such appeals in the Circuit Court.

Sec. 3. Be it further enacted, That the clerk of the Circuit Court shall be ex-officio clerk of the County Court, and he shall have authority to issue warrants of arrest returnable to said Court, and the practice and proceedings therein shall conform to the practice and proceedings in the Circuit Courts of the State, except as herein modified. Clerk

Sec. 4. Be it further enacted, That there shall be two jury terms each year held by said Court, the first Mondays in January and July, respectively, which said terms shall be and be known as the jury terms of said Court, and when any person charged with any offense triable by said Court demands a jury trial, he shall be tried at the next jury term of said Court; but whenever there is not a jury trial demanded, the case shall be tried at the first term after the party is arrested, the judge entering upon the docket the fact that a jury trial is waived. Jury terms

Sec. 5. Be it further enacted, That the jury commissioners of said county, at the regular term held in each year, shall draw from the jury box provided by law for the Circuit Court of said county, the names of fifteen jurors for the January term next of said County Court and the names of fifteen jurors for the July term of said County Court, to serve as jurors in said County Court for the next succeeding year, and deliver the names of the said jurors with the term for which they are drawn, to the clerk of the County Court of said county, who shall issue notice to each of said jurors and place the same in the hands of the sheriff of the said county at least fifteen days before each term of said County Court for which they shall have been drawn respectively, and it shall be the duty of said sheriff to promptly execute said notices: Provided, That if there are no cases to be tried by a jury, the clerk of said Court shall not issue the notice as provided for in this section. Jurors

When jurors
not sum-
moned

Sec. 6. Be it further enacted, That if at any jury term of said Court, for any reason or cause whatever, the jury hereinbefore provided for shall not have been summoned for said term, or in case there shall be no legal jury for said term, and also when in the opinion of the judge of the said Court a second jury is needed to dispatch the business of said Court, it shall be the duty of said judge to order the sheriff of said county to summon instant twelve qualified jurors of said county, and the persons so summoned shall constitute a legal jury for said term.

Sec. 7. Be it further enacted, That should the number of jurors be reduced to less than twelve by challenge or other cause, it shall be the duty of the judge of said Court to order the sheriff to summon instant a sufficient number of qualified jurors to complete said jury.

Fees

Sec. 8. Be it further enacted, That all fees paid to the sheriff or clerk for services rendered in said Court shall be the same as those now allowed by law for similar services in the Circuit Court, and that the clerk shall receive for performing official duties not otherwise provided for, as clerk of said Court, to be paid from the county treasury, such sum as may be allowed by the Court of County Commissioners, not to exceed one hundred dollars per annum.

Deputies

Sec. 9. Be it further enacted, That the sheriff shall be entitled to the same number of constables or deputies for the jury terms of said Court, who shall be selected in the same manner and whose compensation shall be the same as those allowed him by law for the Circuit Court.

Judges' fees

Sec. 10. Be it further enacted, That the fees paid the judge of said Court shall be as follows: For the trial of each case and in cases where the defendant pleads guilty, three dollars; for each case nol prossed, one dollar; for each final judgment against a defaulting witness, or defendant surety, one dollar, which fees shall be paid out of the county treasury.

Sec. 11. Be it further enacted, That in all trials in said Court the State shall be entitled to only

two peremptory challenges in each case, and the defendant to only three, whether there are one or several defendants. Challenges

Sec. 12. Be it further enacted, That if the judge of said Court be incompetent to try any cause pending in said Court, the clerk thereof shall appoint a special judge, to act in his stead. Special judge

Sec. 13. Be it further enacted, That all appeals from the jury terms of said Court shall be to the Supreme Court on a writ of error and shall be taken in all respects in the same manner as appeals from the Circuit to the Supreme Court; but all appeals from the County Court tried before the judge without the intervention of a jury shall be to the Circuit Court, and tried de novo.

Sec. 14. Be it further enacted, That the provisions of this act shall take effect immediately upon its passage. Appeals

Sec. 15. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed. Repeal

Approved February 21st, 1899.

No. 614)

AN ACT

(H. 1071

To provide for the appointment of a county solicitor for Washington County, and to prescribe his duties.

Section 1. Be it enacted by the General Assembly of Alabama, That a county solicitor for Washington county, Alabama, shall be appointed by the Court of County Commissioners of said county at their first term in every second year, who shall reside in the county and shall represent the State in the County Court and perform such other duties as may be required of him by law. County solicitor

Sec. 2. Be it further enacted, That said county solicitor shall hold office for the term of two years and in case of vacancy shall be filled by appointment of the judge of the County Court until the Term

next meeting of the Court of County Commissioners, which body shall fill the vacancy.

First term Sec. 3. Be it further enacted, That the Court of County Commissioners shall, at their first session after the passage of this act, appoint a county solicitor, who shall hold office until the first session of the said Court in the following year.

Compensation Sec. 4. Be it further enacted, That the county solicitor shall receive for his services the same compensation as prescribed in the Code as fees for circuit solicitors, which fees shall be paid him by the sheriff or clerk when collected.

Approved February 21st, 1899.

No. 615)

AN ACT

(H. 1092)

To fix the place of holding the Chancery Court in Calhoun County.

County site Section 1. Be it enacted by the General Assembly of Alabama, That the Chancery Court for Calhoun county shall be held at the county site of said county at the times prescribed by law.

Repeal Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 21st, 1899.

No. 616)

AN ACT

(H. 1097)

To authorize and empower the school trustees of the Louisville and Mt. Zion school district, in Barbour County, Alabama, to collect a tuition fee, not exceeding one dollar per month of each pupil of the public schools of said district, while attending said schools to supplement the public school funds of said district for the support and maintenance of the public schools of said district.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of

this act, the district trustees of the Louisville and Mt. Zion school district, in Barbour county, Alabama, be and they are hereby authorized and empowered to collect of each pupil of the public schools of said district, while attending said schools a tuition fee, not exceeding one dollar per month, to supplement the public school funds for the support and maintenance of the public schools of said district. Tuition fee

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed, so far as the same apply to said district. Repeal

Approved February 21st, 1899.

No. 617)

AN ACT

H. 1105

For the protection of land and property against the depredations of live stock in portions of Precinct number 1, in Autauga County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for the owner of any horse, mule, ass, cow or cattle of any kind, hog, sheep or goat, to allow or permit the same to run at large in the following territory in precinct 1 of Autauga county, Alabama, to-wit: Beginning at the present stock law boundary at northeast corner of northwest quarter of section 28, township 18, range 16, thence west to Breakfast creek, thence down said creek to where it crosses section line dividing Section 30 and Section 29, township 18, range 16, thence west to range line dividing range 15 and range 16, thence south to the northeast corner of section 1, township 17, range 15, thence west to northwest corner of northeast quarter of said section 1, same township and range, thence south along half section line to the northwest corner of the northeast quarter of section 12, township 17, range 15, thence west to the northwest Stock district

corner of southwest quarter of said section 12, thence south to the northwest corner of section 13, township 17, range 15, thence west to northwest corner of section 14, same township and range, thence south to northern boundary of present stock law, thence easterly along present stock law boundary to the southeast corner of southwest quarter of section 17, township 17, range 16, thence north to Autauga creek, thence up said creek to where it crosses section line dividing section 7 and section 8, township 17, range 16, thence north along said section line to the northwest corner of said section 8, thence east along the section line to western boundary of present stock law district, thence northerly along said boundary to point of beginning.

Liab. for damages Sec. 2. Be it further enacted, That any owner permitting his or her stock to run at large in said prohibited territory shall be liable to any person injured for all damages done to the land, crops, fruit trees, shrubbery or other property in said territory, to be recovered before any Court of competent jurisdiction, and the fact that such damage shall create a lien on the animal or animals which commit the same, said damages to be assessed by a jury composed of three disinterested citizens, appointed by said magistrate, residing in said beat, unless said damages be agreed upon by the owner of the stock and the party damaged, from the time the damage is committed, which lien shall be superior to all other liens: Provided, that the judgment of said Court shall fix the amount of such damages and lien, and that if no suit therefor is begun within thirty days from the time the damage was committed, the lien for the same on said animal or animals shall cease to exist.

May take up Sec. 3. Be it further enacted, That any person in said stock law district in said county who is the owner or lawfully in the possession of any lands, or his agent, shall have the right to take possession of any animal, or animals, if found at large or uncontrolled on the premises of such owner or agent, and shall forthwith notify personally or by leaving

a written notice at the usual place of residence, of the owner or owners of such animal or animals, or his or their agent or agents, if the owner or owners are made known to the taker up, who must exercise due diligence in ascertaining the owner or owners of such animal or animals. If the owner or owners shall fail or refuse to satisfy the taker up for the damages done by such animal or animals, the taker up may proceed against the owner or owners for the damages as provided by section two of this act, and if the owner or owners shall fail to pay the charges for taking up and keeping such animal or animals within five days after he has notice of the taking up, then the taker up may bring suit before the nearest justice of the peace or notary public who is competent, or other Court of competent jurisdiction, and recover the amount of such charges, together with the cost and damages done to the land, crops or other property; and at the trial of such suit, which shall proceed under the same rules and regulations as other civil causes, the judgment rendered, if in favor of the taker up, shall be enforced by a sale of the animal or animals so taken up, after advertisement of the justice of the peace or notary public who tries the cause, for ten days, in three places as public as possible, in the precinct in which the cause is tried, which notices of advertisement shall be in writing; the sale must be for cash and must be made at the usual place of holding the Court in said precinct.

Sec. 4. Be it further enacted, That if the owner of the stock doing the damage is unknown to the taker up, he shall report the taking up and a description of the animal or animals so taken up to the nearest justice of the peace or notary public within forty-eight hours after the taking up, and make affidavit that the owner is unknown, and that he has not been able to ascertain the name of the owner after diligent inquiry, and the affidavit shall also contain a short description of the animal or animals, and that it or they were taken up on the premises of which affiant was in possession or for

May take up

When owner
unknown

which he was agent, and on filing such affidavit the same proceedings shall be had as in the case of estrays under the existing estray laws of this State, except that no bond shall be given as now required by law, and said proceedings may be had at any time during the year without regard to seasons, but in the disposal of such animal or animals the taker up shall first be reimbursed for all cost for taking up such animal, and for all damages committed by the same, but the taker up shall be liable for any wilful negligence or injurious treatment or any conversion which may cause a loss of the animal or animals so taken up in said district.

Fees

Sec. 5. Be it further enacted, That for taking up and keeping live stock under the preceding provisions of this act, the following fees shall be allowed for the benefit of the taker up, viz: For taking up each horse, mule or ass, forty cents; for taking up each animal of the cow kind, twenty-five cents; for taking up each hog, sheep or goat, fifteen cents; and one-half of such fees for each subsequent day such animal or animals are kept by such taker up, and the justice of the peace shall be entitled to twenty-five cents for each affidavit made before him, twenty-five cents for the notice of sale, and ten per cent. commission on the proceeds of sale.

Trials

Sec. 6. Be it further enacted, That justices of the peace and notaries public may render judgment for amounts within their jurisdiction on ten days notice to the defendant, and execution may issue thereon after five days from the rendition of judgment, and the justice of the peace or notary public of the precinct wherein the damages are done by any animals or where the fees for taking up or keeping such animals are licensed, shall also have jurisdiction in such cases, notwithstanding the defendant may dwell in another precinct or another county: Provided, when there is no justice of the peace or notary public dwelling in said precinct, or when he is disqualified by interest or any other lawful cause, then any justice of the peace

or notary public in the county has jurisdiction of such cases in accordance with the provisions of this act.

Sec. 7. Be it further enacted, That the right of appeal shall be had in all cases as in other civil cases, and that the Circuit Court shall have jurisdiction in all cases under this act when the amount in controversy exceeds fifty dollars. Appeal

Sec. 8. Be it further enacted, That this act shall be in operation from the first day of December to the first day of March of each year. When operative

Approved February 21st, 1899.

No. 618)

AN ACT

(S. 308

To incorporate the town of Hillsboro, in Lawrence county.

Section 1. Be it enacted by the General Assembly of Alabama, That the town of Hillsboro, in the County of Lawrence be, and the same is hereby incorporated, and the corporate limits of said town shall extend one-half mile in every direction from the center of the railroad depot at said town of Hillsboro. Corporate limits

Sec. 2. Be it further enacted, That there shall be a mayor and five councilmen of said town, that the first election shall be held on the first Monday in April, 1899, and on the same day in each and every year thereafter an election shall be held at some convenient place in said town, for mayor and said five councilmen; that the first election shall be held and managed by A. W. Bailey, W. F. Porter and Joe L. James, or a majority of them, or in the event of the failure or refusal of any two of them to act, then the remaining one acting shall appoint two qualified electors, residing within the corporate limits, as above described, who shall have power, together with the original party acting, to hold said election, and all subsequent elections for the above officers shall be held by three of the Election

councilmen; and said officers shall serve for the term of one year after said election and until their successors are elected and qualified. The said mayor and councilmen shall be, and are hereby constituted a body corporate, by the name and style of "The Corporate Authorities of the Town of Hillsboro," and by that name they and their successors in office shall be capable in law of suing and being sued, pleading and being impleaded in all manner of suits, either in law or in equity, also to have and keep a common seal, and change the same at pleasure, to purchase, hold and dispose of, for the benefit of said town, real, personal or mixed property to the amount of ten thousand dollars, and in general to do all the acts incident to bodies corporate.

Name
Rights
Powers of the mayor

Sec. 3. Be it further enacted, That it shall be the duty of the mayor to preside and keep order at all meetings of the council, and in case of his absence or incapacity, any of the council may be chosen to preside. The mayor shall be invested with the jurisdiction and powers of justices of the peace, and shall be subject to the same penalties and liabilities.

Powers

Sec. 4. Be it further enacted, That the said corporation shall have power to ordain or pass all such ordinances, by-laws and resolutions, and make all such regulations as may by them be deemed necessary for the good government of said town, which may extend to the preservation of health, to prevent and remove nuisances, to license, tax and restrain theatrical amusements, shows and museums of all kinds whatever within said corporation, to restrain and prohibit every species of disorder and every breach of the peace, to appoint night watches and patrols when necessary to clean and keep in repair the streets of said town, and prohibit trespasses on the same, to impose and collect taxes, not to exceed one-half of one per cent. on all property, both real and personal, and to sell real estate and personal property for the payment of said taxes, in the same manner prescribed by the laws of Alabama for taxes payable to the State, within said

incorporation, for defraying the expenses of the same, to grant license to retailers of spirituous, vinous or malt liquors, not to exceed fifty dollars Powers per year; to grant license to and tax merchants and auctioneers, not to exceed twelve dollars per year; to grant license to and tax lawyers, physicians, dentist, Daguerrian artist, not to exceed five dollars per year; to grant license to and tax keepers of hotels and stallions and jacks, not to exceed twelve dollars per year; to restrain and prohibit all meetings of disorderly persons and all profane swearing or obscene language, and in general to pass such by-laws, not contrary to the Constitution of this State and the laws of the same or the Constitution and laws of the United States, as are necessary to carry into effect the intent and meaning of this act, and to execute, revoke or alter the same. The said corporate authorities shall have power to appoint a treasurer, tax assessor and collector and a marshal, and such inferior officers as they may think necessary, and by ordinance require securities for the several officers so appointed, and annex such fees to said offices as they see proper, not to exceed twenty-five dollars per month. They are hereby empowered to impose such fines and penalties as they may see proper, the fine in no case to exceed fifty dollars and imprisonment ten hours.

Sec. 5. Be it further enacted, That the marshal Marshal appointed under this act shall give bond with sufficient security in such an amount as shall be determined by the corporate authorities of said town, for the faithful discharge of the duties of the office, and his said bond shall be approved by the corporate authorities, and he shall exercise the powers, discharge the duties and be subject to the liabilities of a constable of said county within said incorporation, and shall have power to call to his aid all persons in making arrests and quelling disturbances.

Sec. 6. Be it further enacted, That when vacancies Vacancies occur in the board of councilmen by death, resignation or otherwise, such vacancy shall be

filled by the board, and the member or members so added shall continue in office until the succeeding annual election.

Elections

Sec. 7. Be it further enacted, That ten days notice shall be given of every annual election under this act, preceding the day of election, and the said election shall be held and conducted by three of the councilmen, appointed by the board, and all male persons over the age of twenty-one years, residing within said town, shall be qualified electors, and the persons receiving the highest number of votes for mayor and councilmen shall, respectively, be declared elected.

Mayor

Sec. 8. Be it further enacted, That in case of vacancy in the office of mayor, the remaining members of the board shall appoint a successor.

Oath

Sec. 9. Be it further enacted, That the mayor and councilmen of said town shall, before entering on the duties of their office, take an oath faithfully to perform the duties of their office, before any officer qualified to administer an oath.

Ordinances

Sec. 10. Be it further enacted, That all by-laws and ordinances of said town shall be published by posting the same at three public places in said town for twenty consecutive days.

Road duties

Sec. 11. Be it further enacted, That the inhabitants of said town of Hillsboro, within the corporate boundaries of said town, shall be exempt from working on public roads and highways out of the corporation, but the highways and streets within said corporate boundaries shall be kept in repair by the corporate authorities of said town.

Repeal

Sec. 12. Be it further enacted, That all laws or parts of laws in conflict with this act be, and the same are hereby repealed.

Approved February 21st, 1899.

No. 619)

AN ACT

(S. 426

To incorporate Brierfield Normal Institute, Brierfield, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That J. T. Wilson, A. J. Day, P. H. Fancher, Dr. O. Whitfield, J. G. Oakley and R. C. Parker and their successors in office, shall be, and are hereby declared a body corporate under the Constitution and laws of Alabama, by the name and style of Trustees of Brierfield Normal Institute, in the town of Brierfield, in the County of Bibb, and State of Alabama, which institute shall be for the education of males and females of the white race, and by the name of Brierfield Normal Institute shall be able and capable to sue and be sued both at law and in equity, and plead and be impleaded, and shall have power to borrow money, receive donations and bequests for the use of said institute; purchase, sell, have and hold real estate and other property in perpetuity and free from taxation: Provided, the realty and other property shall not exceed in value ten thousand dollars.

Name

Rights

Sec. 2. Be it further enacted, That said body corporate or a majority of the members composing it shall have power to pass all such rules, regulations and by-laws, not inconsistent with the Constitution and laws of Alabama, as they may deem necessary to meet the demands of said institute, and shall have power to elect annually by a majority of its members a president and other necessary officers, from the members of the body corporate and to fill vacancies in such offices, and to adopt a common seal and to alter said seal at pleasure, or to act without such seal if they deem best.

Rules, by-laws, etc

Sec. 3. Be it further enacted, That the said body corporate and their successors in office, or a majority of the members composing it, shall have the power to elect and employ the teachers requisite to meeting the demands of said institute, of which the principal teacher shall be president, with full

Teachers

power to execute all rules, regulations and by-laws adopted by the trustees.

Fees

Sec. 4. Be it further enacted, That the president of the faculty, and the trustees concurring, shall regulate all fees and adopt a course of study, which shall embrace the different grades adopted by the State, and such other branches as he may think best for the higher education of the students of said institute.

Sec. 5. Be it further enacted, That the president of the faculty and trustees of the institute are authorized to confer certificates of proficiency to students who satisfactorily complete the respective courses of study, and that no certificate shall be valid unless signed by the president of the faculty and the secretary of the board, and provided that said certificate shall not entitle the holder thereof to teach in the public schools without examination.

Public school

Sec. 6. Be it further enacted, That the school authorities may, at their discretion, arrange with said Brierfield Normal Institute to carry on a public school: Provided, said public school shall be fully under the direction of the proper school authorities.

Power to sell

Sec. 7. Be it further enacted, That the board of trustees be, and they are hereby authorized and empowered to sell and convey to any person, company, corporation or religious denomination, all property and franchises of said Brierfield Normal Institute: Provided, that the purchaser shall be bound to carry on and maintain said institute as an institution of learning of high grade, and said property shall not be diverted to any other use.

Sec. 8. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 21st, 1899.

No. 620)

AN ACT

(S. 439)

To incorporate the Maryland-Alabama Deposit
and Trust Company.

Section 1. Be it enacted by the General Assembly
of Alabama, That W. V. M. Robertson, H. M. Rob-
ertson and Augustus Benners, and such persons as
they may hereafter associate with them, their suc-
cessors and their assigns be, and they are hereby
made and constituted a body politic and corporate
by and under the name of the Maryland-Alabama
Deposit and Trust Company.

Incorporators

Name

Sec. 2. Be it further enacted, That the capital
stock of said corporation shall be one hundred
thousand dollars, which shall be divided into shares
of one hundred dollars each; said corporation may
increase its capital stock from time to time, in the
manner provided by the Constitution and laws of
the State of Alabama, but such increase shall not
be to a sum exceeding five million dollars.

Capital stock

Sec. 3. Be it further enacted, That said corpora-
tion shall have and exercise the rights, powers and
privileges generally incident to corporations; that
it shall have perpetual succession, that it may sue
and be sued, plead and be impleaded in its corpo-
rate name, that it may contract and be contracted
with, appoint officers and agents for the conduct
of its business, adopt corporate seal, and the same
alter or break at pleasure; and that it may adopt
rules and by-laws, not inconsistent with the laws
of the State of Alabama or of the United States,
and in its by-laws it may provide, among other
things, that its stock may be voted by proxy, that
transfers of its stock shall be made and registered
on its books, and that it shall have a lien on the
shares of stock of a stockholder in it for any in-
debtedness incurred by him to it.

Rights

Sec. 4. Be it further enacted, That said corpora-
tion may buy, acquire, hold, own, improve, use,
rent, lease, sell, convey, mortgage and deal in real
property or any interest therein, and that it may

Business

buy, acquire, hold, own, use, sell, assign, transfer, pledge, hypothecate and deal in personal property; and said corporation may subscribe for, buy, or otherwise obtain, own and hold stock in other corporations, and fully exercise the rights of stockholders as to such stock.

May borrow

Sec. 5. Be it further enacted, That said corporation may borrow money and secure the payment of the same, if it see fit, by mortgage, deed of trust, pledge or other hypothecation of any of its property; that it may execute notes for the purchase money of property or for other purposes and secure the payment of the same; and said corporation may lend money at interest, not exceeding the legal rate, and be secured in the payment of the same by mortgage, deed of trust or other security on real property or interest therein, or by pledges, assignment, transfer or other hypothecation of stocks, bonds or any kind of personal property; and said corporation may buy, hold, own, sell and deal in stocks and bonds and other securities of corporations, public or private, and may buy, hold, own, sell, indorse and transfer notes, mortgages and other securities and choses in action.

Agent

Sec. 6. Be it further enacted, That said corporation may act as the agent for others in the negotiation, obtaining and placing of loans of money and in securing the payment of such loans, and said corporation may act as the agent for others in buying, selling or leasing of real property. in the buying and selling of stocks, bonds, bills, notes, mortgages or other property or securities, and in rendering any such services said corporation may act for either the borrower or lender, buyer or seller, lessor or lessee, or as a middleman, in the same manner as a natural person; said corporation may act as the agent for others in the collection of notes, moneys, rents, interest and dividends, in the leasing, control, improvement, insurance, care and repair of property, in the foreclosure of mortgages and deeds of trust and the enforcement of other rights, in the employment of counsel and other agents, in having transfers and conveyances of

property, real and personal, made and recorded, in making releases, in entering of record satisfaction of mortgages and other liens, in the assessment and payment of taxes, and said corporation may generally act for others under letters and powers of attorney in all respects as a natural person could do; and for any services rendered others as agent or in any other capacity said corporation may charge and receive such commissions and compensation as may be agreed on, or in the absence of agreement, the reasonable value of its services.

Sec. 7. Be it further enacted, That said corporation may endorse, guarantee or otherwise secure the payment of the bonds, notes, bills of exchange and other evidences of debt of others, as to principal and interest, or either, and may charge and receive compensation for such endorsement or guarantee.

Bonds

Sec. 8. Be it further enacted, That said corporation shall have the power, and it is hereby authorized, to issue and sell its debenture bonds in an amount not to exceed its paid in capital at the time of such issue or issues; such bonds to be of such denomination and to bear such rate of interest, not exceeding the legal rate, and be payable at such time and place as may be authorized by its board of directors; and said corporation may secure the payment of the principal and interest of such bonds by mortgage, deed of trust, pledge or other hypothecation of any of its property, real or personal.

Debenture
bonds

Sec. 9. Be it further enacted, That said corporation may receive deposits of money, but such deposits shall not be subject to check, and may be used by said corporation in its business, and may bear an agreed rate of interest; and said corporation may issue certificates evidencing such deposits and of the terms on which they are payable.

Deposits

Sec. 10. Be it further enacted, That said corporation shall have the power to receive and hold on deposit for safe keeping any and all moneys, stocks, bonds and other securities, papers and documents, and personal property whatsoever.

Act as trustee,
etc

Sec. 11. Be it further enacted, That said corporation shall have the power to act as trustee under any mortgage, deed of trust, bond or other instrument made or issued by any municipality, corporation or natural person, and shall have the power to receive and hold by the order, judgment or decree of any Court of record of this State, or of any other State, or of the United States, or by deed, gift, grant, assignment, transfer, devise or bequest from any public or private corporation, or from any natural person, any real or personal property upon trust, and said corporation may execute and perform any and all legal trusts in regard to the same upon the terms, conditions, limitations and restrictions which may be declared, imposed, established by, or agreed upon in such order, judgment, decree, deed, gift, grant, assignment, transfer, devise or bequest; and said corporation may accept and execute any trust whatsoever not inconsistent with the laws of the land; and said corporation may act as the fiscal or transfer agent of any corporation, public or private, association or individual, and in such capacity may issue, countersign, transfer and register stocks, bonds, coupons or other evidences of debt, and may receive and pay out money in the redemption of the bonds, coupons or other evidences of debt of corporations, public or private, and individuals; and said corporation shall be authorized to act as the receiver of any property or business by the appointment of any Court, to act as guardian of the estate of minors, lunatics and other persons for whom the law authorizes the appointment of guardians; to act as the executor of the will, or as the administrator of the estate, of any deceased person; and it shall be lawful for any Court to appoint said corporation to act in any capacity in which it is herein authorized to act; and for its services in the discharge of any trust whatsoever said corporation shall receive such compensation and fees as shall be allowed by law or a Court or be fixed by agreement, or, in the absence of an agreement, such compensation as its services shall be worth.

Sec. 12. Be it further enacted, That the principal place of business of said corporation shall be in the City of Birmingham, Alabama, and said corporation may establish other offices and agencies in this State and in other States. Office

Sec. 13. Be it further enacted, That until the election of a board of directors by the stockholders of said corporation, the persons herein named as incorporators may open books of subscription to the stock of said corporation in the City of Birmingham, Alabama, and in any other city in this or any other State, and may call meetings of the stockholders and generally do any and all things to perfect the organization of said corporation. Subscriptions

Sec. 14. Be it further enacted, That said corporation shall be authorized to commence business when twenty-five thousand dollars shall have been paid in on its capital stock, and when not less than twenty-five thousand dollars of its capital stock shall have been subscribed for. When can commence

Sec. 15. Be it further enacted, That said corporation may, with the consent of the holders of the majority of subscribed for stock, change its name. Change of name

Sec. 16. Be it further enacted, That said corporation may make and enter into all such contracts and arrangements, and may do and perform all such matters and things as may be necessary and convenient, directly or remotely, to carry out the several purposes and powers of said corporation as hereinbefore set forth. Contracts

Approved February 21st, 1899.

No. 621)

AN ACT

(S. 223

To authorize the Court of County Commissioners of Elmore County to settle or compromise the claim of the County of Elmore under the will and testament of H. B. Tulane, deceased, late of Elmore County.

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commis-

Authority to
settle

sioners of Elmore county be and they are hereby authorized to accept and receive any property or sum of money which they may deem to be just and equitable in full settlement of the legacy left to said county under the will of Horatio B. Tulane, deceased. And upon the conveyance of the property or the payment of the money agreed to be accepted in full of such legacy, to release or transfer the right of the county to such legacy to the party or parties making the conveyance or payment: Provided, That the said Court of Commissioners shall not accept in full settlement of said legacy a less sum of money than ten thousand dollars, or property of less value than ten thousand dollars, duly and properly secured, to be paid or delivered in all respects as mentioned and directed by the will of said Tulane.

Approved February 21st, 1899.

No. 622)

AN ACT

(S. 409)

To amend Section 8 of an act entitled "An act to constitute the City of Anniston a separate school district, and to provide a board of education therefor," approved January 28th, 1891.

Section 8
amended

School fund

Section 1. Be it enacted by the General Assembly of Alabama, That Section 8 of an act entitled "An act to constitute the City of Anniston a separate school district, and to provide a board of education therefor," approved January 28th, 1891, be and the same is hereby amended so as to read as follows: "Sec. 8. Be it further enacted, That said board of education shall receive its proportionate share of the public school revenue, including a pro rata share of the sixteenth section fund of each township which lies wholly or in part within said school district, and shall receive all the taxes collected as poll taxes within the said district for the use and maintenance of the public schools therein, and for the purpose herein authorized, which said moneys

shall be paid over to the treasurer of the City of Anniston by the superintendent of education, as other school funds are disbursed, and shall be kept by him and disbursed as provided by Section 5 of this act; and the said treasurer of the City of Anniston shall file in the office of the superintendent of education a certified copy of his official bond; the school funds belonging to the said district shall be paid monthly, if the said board of education of the City of Anniston so directs."

Approved February 21st, 1899.

No. 623)

AN ACT

(S. 491

To authorize the Montgomery, Hayneville and Camden Railroad Company to increase its capital stock.

Section 1. Be it enacted by the General Assembly of Alabama, That the Montgomery, Hayneville and Camden Railroad Company is authorized and empowered to increase its capital stock to one million dollars (\$1,000,000.00), or as much more as the stockholders may find it to be necessary to complete, finish and equip said railroad, and purchase terminal facilities; which shall be divided into shares of one hundred dollars (\$100) each, and which shall be deemed personal property, and may be transferred in such manner as the by-laws of said company may direct.

Increase of
capital stock

Approved February 21st, 1899.

No. 624)

AN ACT

(S. 368

To confirm the incorporation and organization of the Dayton and Faunsdale Railroad Company, and to increase and enlarge its powers.

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organiza-

- Confirmation tion of the Dayton and Faunsdale Railroad Company had under the general laws of this State and by and under proceedings had in the Probate Court of Marengo county, and in the office of the secretary of State, be and the same is in all things confirmed.
- All powers under general incorporation act Sec. 2. Be it further enacted, That said corporation shall have and possess all the rights, powers, franchises, privileges and immunities by the general laws of the State conferred on railroads, corporations organized for the purpose of constructing and operating railroads, and all general laws applicable to such railroad corporations are hereby made applicable to said corporation, the Dayton and Faunsdale Railroad Company.
- Route Sec. 3. Be it further enacted, That in addition to the powers and authority given said corporation by the general laws of the State, the said corporation is hereby authorized and empowered to construct, equip and operate a railroad from some point on the Gulf of Mexico, in either Mobile or Baldwin counties, to and through Washington, Clarke, Marengo, Hale and Perry counties to the coal measures in Bibb, Tuscaloosa and Walker counties, this State.
- Stock increase Sec. 4. Be it further enacted, That the capital stock of this corporation may be increased to two millions of dollars at the pleasure of the majority of the stockholders of said corporation, and by complying with the laws of Alabama, in such cases made and provided, and subscription for stock may either be paid in money, labor, or land, for the use of said railroad.
- Former grants of rights of way, ratified and confirmed Sec. 5. Be it further enacted, That the said railroad shall have the power under the general laws of Alabama to condemn lands for right of way for its tracks, side-tracks, depots, section houses, drainage, water tanks and for other purposes, for the proper maintenance and operation of the road, that the necessary right of way across or along any public road, and over and along streets and alleys in incorporated villages and town sites is hereby granted to said railroad company, its successors

and assigns; and said railroad company is hereby authorized and empowered to secure from the proper authorities of any incorporated towns or cities the necessary right of way across or along streets and alleys within the limits of the same, and all grants of rights of ways heretofore made to said railroad company are here in all respects ratified and confirmed.

Sec. 6. Be it further enacted, That said corporation is authorized and empowered, in lieu of constructing any part of its line or branches, to purchase, lease or otherwise acquire any other railroads or any interest or part thereof whose lines may be located in whole or part along the line of its railroad or branches of said corporation, for the purpose of forming through lines, or otherwise increase its business, is authorized to make common stock, or any other contract whereby it may sell or lease to such company, any and all its railroad and branches, and the franchise thereof; and any such other road or corporation as it may elect is likewise authorized and empowered to contract with it. To erect saw mills and manufacture lumber, or to aid other persons or corporations in so doing, either by subscription to the capital stock of said corporation, by lending money or otherwise, and generally to aid any enterprise, colonization, business or industry by subscribing for stock therein or advancing or lending money; to secure all loans and advances made by them to any person or corporation by taking, holding or owning mortgages, pledges, or by hypothecation of real or personal property, stocks, bonds or choses in action.

To acquire or
sell to other
railroads

To engage in,
aid and fur-
ther other
enterprises
and indus-
tries

Sec. 7. Be it further enacted, That said corporation is hereby authorized and empowered to have and to hold, to sell and to mortgage all and any part thereof, real, personal and mixed property, for the construction, maintenance, use and operation of its railroad and branches, and for its present and future business, as well as such other real and personal property as it may otherwise acquire by gift, devise, donation or purchase, or investment and development; and to sell or mortgage all, or

Real and per-
sonal prop-
erty, mort-
gage and
disposition

Rights

any part thereof at pleasure, and to do all things necessary and proper to carry out the purpose of this grant to said corporation.

Sec. 8. Be it further enacted, That said corporation shall have the right to engage in and transact the business of an express company, and may erect along its right of way, telegraph poles and wires, and engage in and transact the business of a telegraph company.

Approved February 21st, 1899.

No. 625)

AN ACT

(S. 422)

To authorize attorneys at law performing only ministerial duties in any of the Courts of Madison County to practice law in the said Courts.

Right to
practice law

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act, it shall be lawful for attorneys at law who perform only ministerial duties in any of the Courts of Madison county, to practice law in such Court or Courts.

Not to apply
to

Sec. 2. Be it further enacted, That the provisions of this act shall not be held to apply to sworn or regular deputies of any officer of any of said Courts.

Repeal

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 21st, 1899.

No. 626)

AN ACT

(S. 472)

To relieve Graham Edwyn Merchant and Everlynn Merchant of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That Graham Edwyn Merchant and

Everlynn Merchant of the County of Macon and the State of Alabama, are hereby relieved of the disabilities of non-age, and may sue and be sued, contract and be contracted with, and do and perform all things as if they were twenty-one years of age. Relief

Approved February 21st, 1899.

No. 627)

AN ACT

(S. 250)

To repeal Subdivision No. 43 of Section 4122, Code of Alabama (1896), so far as the same applies to the County of Madison, in the State of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That Subdivision No. 43 of Section 4122 of the Code of Alabama (1896) be and the same is hereby repealed, so far as it relates to the County of Madison, in the State of Alabama. Repeal

Approved February 21st, 1899.

No. 628)

AN ACT

(S. 325)

To relieve William A. Marsh of Sumter County from the disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That William A. Marsh, a minor, under the age of twenty-one years, residing in Sumter county, Alabama, is hereby relieved from the disabilities of non-age, and is vested with the right to sue and be sued, to contract and be contracted with, to buy and sell and to convey real and personal property, and generally to do and perform all acts which such minors could do lawfully if twenty-one years of age. Relief

Approved February 21st, 1899.

No. 629)

AN ACT

(S. 271

For the relief of H. L. Wigglesworth of Montgomery County.

Relief

Be it enacted by the General Assembly of Alabama, That the State auditor be and is hereby directed and empowered to draw his warrant upon the State treasurer in the sum of \$112.00, payable to H. L. Wigglesworth, and thereby refund to the said H. L. Wigglesworth the sum of \$112.00 deposited by him with the judge of probate of Montgomery county, in payment of license for doing business in this city for the year ending December 31st, 1898, said Wigglesworth not having carried on any business in Montgomery county under or by virtue of said license.

Approved February 21st, 1899.

No. 630)

AN ACT

(S. 467

For the relief of Floyd Germany and H. T. Estes, disabled Confederate soldiers.

Preamble

Whereas, In the year 1896, Floyd Germany and H. T. Estes, disabled Confederate soldiers, citizens of Randolph county, Alabama, did file their sworn application with the judge of probate of Randolph county, Alabama, for their pensions, allowed each of them under the laws of the State of Alabama, which applications were each acted upon by the board of pensions for said county, and each application passed upon favorably by said board; and, Whereas, The amount paid by the State in said year, 1896, to its Confederate veterans of the class of said Estes and Germany was thirty-two and 70-100 dollars; and,

Whereas, The said applications of the said Estes and Germany, after having been so passed upon by said board, were each lost, mislaid or destroyed,

thereby causing them not to draw anything from the State of Alabama for said year; therefore,

Section 1. Be it enacted by the General Assembly of Alabama, That the sum of thirty-two and 70-100 dollars be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated for the reimbursement of the said Floyd Germany and H. T. Estes, the said sum to be equally divided between them; and the auditor of the State of Alabama be and he is hereby authorized and required to draw his warrant on the State treasurer for the sum of sixteen and 35-100 dollars in favor of Floyd Germany and sixteen and 35-100 dollars in favor of H. T. Estes. Appropriation

Approved February 21st, 1899.

No. 632)

AN ACT

. (S. 353

To prohibit the sale, giving away, bartering, delivering or exchanging vinous, spirituous or malt liquors or intoxicating bitters or drinks within the limits of Autauga County, and in certain portions of Chambers, Coosa and Elmore Counties.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person to sell, give away, deliver, barter or exchange vinous, spirituous or malt liquors or intoxicating bitters or drinks within the limits of Autauga county, within the limits of Chambers county, except in the towns of Lanett and Lafayette, as now provided by law; within the limits of Coosa county, except in the town of Goodwater, and within the County of Elmore, except in the town of Wetumpka. In the said towns above named, such liquors, bitters and drinks may be sold under the restrictions now provided by the laws applicable to those towns. Prohibition

Sec. 2. Be it further enacted, That any person who violates the first section of this act shall be deemed guilty of a misdemeanor and, on conviction, Penalty

may be punished by fine not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for not less than three nor more than six months.

Approved February 21st, 1899.

No. 633)

AN ACT

(S. 348

To authorize the Court of County Commissioners of Tuscaloosa county to purchase the rights, franchises and property pertaining to Foster's Ferry in said county; to grade the approaches to said ferry; to operate a ferry at or near said place, using boats propelled by steam or other power; to charge tolls, and to issue and sell negotiable bonds not exceeding ten thousand dollars for the purpose of obtaining money to purchase, equip, and operate said ferry.

Authority to purchase Be it enacted by the General Assembly of Alabama as follows, to-wit: 1. The Court of County Commissioners of Tuscaloosa county is hereby authorized and empowered to purchase the rights, franchises and property known as Foster's Ferry, or pertaining to the same; to operate a ferry over the Warrior river at or near what is now known as Foster's Ferry in said county; to use for such purposes boats propelled by steam or other motive power; to collect such tolls as such Court may prescribe, and to grade, macadamize and otherwise improve the approaches to said ferry.

Bonds 2. To obtain the money needed for the purposes mentioned in the first section of this act, said Court of County Commissioners is hereby authorized to issue and sell negotiable coupon bonds of said county to an amount not exceeding ten thousand dollars (\$10,000), to be known as Ferry Bonds. The fund derived from the sale of said bonds shall be known as the ferry fund, and shall be kept separate and apart from all other funds of said county.

3. Said bonds shall not bear a greater rate of interest than six per cent. per annum, and the interest thereon shall be payable semi-annually, Bonds on January first and July first of each year, at the First National Bank of Tuscaloosa, Alabama, upon the presentation and surrender of the interest coupons as they severally become due.

4. Said bonds may be payable in gold coin of the United States.

5. Said bonds shall be issued in denominations of \$100.00, and numbered consecutively from one to one hundred, both inclusive. The interest coupons shall be attached to said bonds and numbered to correspond with the respective bonds.

6. Said bonds and coupons issued by authority of this act shall be signed by the probate judge and countersigned by the treasurer of said county, and the seal of said county affixed thereto.

7. The probate judge of said county is hereby required to keep a correct record of all bonds issued and sold under this act.

8. Said bonds shall not be sold at less than par.

9. Said bonds shall be issued to run not longer than ten years, and the Court of County Commissioners of said county shall call in and pay off one thousand dollars (\$1000) of said bonds each year. The first call shall be made one year from the date of issue. When calls are made the bonds shall be called in order of their number, commencing with bond number one (1). Calls may be made by publication in a newspaper published in the City of Tuscaloosa, Alabama. After bonds are called in, interest on the bonds so called shall cease.

10. All of said bonds shall be exempt from county and municipal taxes, and said bonds and coupons, after maturity, shall be receivable for all dues to the county.

11. The said Court of County Commissioners is hereby authorized to sell, either by themselves or through an authorized agent appointed by themselves, said bonds, and do any and all things necessary in issuing or selling said bonds; and to

appoint agents for the purpose of carrying out the provisions of this act. No technicality, informality, neglect or omission in the proceedings of said Court shall in anywise vitiate or annul said bonds or coupons issued by the authority of this act or affect the rights of the purchasers or holders of said bonds or coupons; but the said bonds and coupons shall have all the properties and protection of commercial paper.

Duty of county treasurer 12. The money arising from the sale of the bonds issued by authority of this act shall be paid by the said Court of County Commissioners directly into the hands of the treasurer of said county, and they shall take his receipt for the same, which shall state the nature, character, amount and date of the deposit.

13. The treasurer of said county shall keep a separate account of this fund, and it shall be designated as the "Ferry Fund," and said fund shall be paid out by him only upon warrants drawn by the probate judge of said county on authority of said Court of County Commissioners, and said warrants shall designate that they are to be paid out of said fund.

14. The county treasurer of said county shall be responsible for the safe keeping and paying out of said fund, as he is for any other fund of the county, and as to said fund he shall be liable in the same manner as he is for any other fund or for neglect of any other official duty.

Approved February 21st, 1899.

No. 634)

AN ACT

(S. 461

To prohibit the sale or giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters or beverages within six miles of the Northeast Alabama Agricultural School and Experiment Station, located in Albertville, Marshall County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this

act, it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, or intoxicating bitters or beverages of any nature within six miles of the Northeast Alabama Agricultural School and Experiment Station, located in the Town of Albertville, in Marshall county, Alabama. Prohibition

Sec. 2. Be it further enacted, That any person who shall violate the provisions of this act shall be guilty of a misdemeanor and, on conviction, shall be fined not less than ten nor more than one hundred dollars for the first offense, and on conviction of the second offense shall be fined not less than twenty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than thirty days. Penalty

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with any provisions of this act, whether the same is a local or general law, is hereby repealed. Repeal

Approved February 21st, 1899.

No. 635)

AN ACT

(S. 475)

To provide that all causes of action, both civil and criminal, within the jurisdiction of a Circuit Court, and arising in Beat No. 2 of Barbour County, shall be cognizable, heard and determined by the Circuit Court at Eufaula, in said county, and not elsewhere.

Section 1. Be it enacted by the General Assembly of Alabama, That all causes of action, both civil and criminal, within the jurisdiction of a Circuit Court and arising in Beat 2, in Barbour county, shall be, from and after the approval of this act, cognizable, heard and determined at Eufaula, in said county, and not elsewhere. Trials from beat two

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed. Repeal

Approved February 21st, 1899.

No. 636)

AN ACT

(S. 465)

To authorize the Court of County Commissioners of Conecuh County to issue bonds for the purpose of erecting a new court house and repair jail of said county at Evergreen, Alabama, and to levy a tax to liquidate the debt to accrue thereby.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners of Conecuh county be and is hereby authorized and empowered to cause to be prepared and issued bonds of the county not exceeding in total amount twenty thousand dollars, for the purpose of erecting a new courthouse and to repair the county jail at Evergreen, Alabama, for said county; said bonds may be issued for sums of one hundred, five hundred, and one thousand dollars, as in the discretion of said Court of County Commissioners may deem best for the purpose herein expressed. They shall be signed by the county treasurer and countersigned by the judge of probate of said county, who shall also affix his seal of office thereto, and shall have attached thereto interest coupons, signed and numbered as the bonds, to correspond with them, and setting forth the amount of interest to be due at the time named in said coupons. Said bonds shall be negotiable and shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually, and the principal to be due and payable at such times, or different times, as said Court, in its discretion, may deem best, and the bonds and interest coupons to be payable at such place or places, and in such money of the United States as the Commissioners Court of said county shall deem wise and expedient and to the best interest of the county. Both the county treasurer and judge of probate shall each keep a book of registration in which they shall keep the numbers, the descriptions and amounts of all bonds issued under the provisions of this act; and such bonds shall be issued only on the order of the

Court of County Commissioners of said county; but none of said bonds shall be issued to run for a period longer than twenty years before maturity, and none shall be sold for less than its face or par value. These bonds and coupons, at maturity or thereafter, shall be received when presented at their par value in payment of all dues to said county, and for all taxes levied for the use thereof, excepting such special taxes only as may be levied for other necessary public buildings or bridges in said county, and said bonds and coupons shall be exempt from county and municipal taxation. Bonds

Sec. 2. Be it further enacted, That the Commissioners Court of said county are hereby authorized by a majority vote to do any and all things authorized under the provisions of this act which may be necessary to carry out the provisions granted herein, either through themselves or any agent or agents duly appointed by them for that purpose at any term of the Court, whether regular or special, and if done at a special term of said Court, its proceedings shall be valid to all intents and purposes as if done at a regular term, and no technical informality, irregularity, neglect or omission in the proceedings or records of the Court shall in any manner vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper. Authority of commissioners court

Sec. 3. Be it further enacted, That the money arising from the sale of the bonds issued by the authority of this act shall be paid by said Court of County Commissioners directly into the hands of the county treasurer of said county, and they shall take his receipt for the same, which shall state the nature, character, amount and date of the deposit. Payable to county treasurer

Sec. 4. Be it further enacted, That the treasurer shall keep a separate account of this fund and it shall be designated as the courthouse and jail fund, and that said fund shall be paid out by him only upon the warrants drawn by the judge of probate of said county, and designating it to be paid out of the courthouse and jail fund: Provided, That Duties of treasurer

no warrants shall be drawn on said fund until the account thereof has been presented to and duly audited and allowed by said Commissioners Court. The county treasurer shall be responsible in his official capacity for the safe keeping of these funds coming into his hands the same as for other county funds or money, and he shall receive for his compensation for receiving and disbursing the said funds only such an amount as the Court of County Commissioners may deem just and right.

Special tax

Sec. 5. Be it further enacted, That the Commissioners Court shall have power, and it is made their duty, to levy, from year to year, and in conjunction with the taxes otherwise levied for county purposes for such year within the constitutional provisions for taxation, a sufficient additional tax to pay at maturity all interest and principal of said bonds that may be due or become due in that year, and said additional tax shall be collected in the same manner and by the same officers as other taxes for county purposes, and after collection shall be kept separate and apart from all other moneys in the treasury, and shall not be used for any other purpose than for the payment of said bonds and coupons issued under the authority of this act, except as hereinafter provided by the sixth section of this act.

Surplus

Sec. 6. Be it further enacted, That in any year when there has been a levy and collection of the tax provided for in the foregoing section, if there shall be a surplus of said fund after payment of whatever bonds and interest thereof has been made and then matured, the Commissioners Court are empowered to apply said surplus to any other lawful fund of the county, or allow it to remain in said fund to assist in the payment of bonds to mature thereafter. The Commissioners Court is also empowered that in the event of the full payment of all outstanding bonds and interest coupons issued under the authority of this act there should be a surplus of money accruing either by the collection of taxes as herein provided for or by the failure to expend all the money accruing from the sale of

the bonds to apply surplus to any lawful fund of the county.

Sec. 7. Be it further enacted, That the Court ^{Contracts} of County Commissioners of said county are hereby empowered to make and enter into all necessary contracts for and at the expense of the county, for the erection of the said new courthouse and all necessary fixtures and furniture whatsoever is needed for the same, and for all necessary repairs on jail of said county.

Sec. 8. Be it further enacted, That the Court of ^{Expenses} County Commissioners of said county are empowered to allow just and reasonable expenses incurred in carrying out the provisions and purposes of this act as a proper claim against the county.

Sec. 9. Be it further enacted, That all laws and ^{Repeal} parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 21st, 1899.

No. 637)

AN ACT

(S. 364

To amend an act entitled "An act to prevent stock from running at large in Precincts Nos. 6, 7, 8, 9, 10, 11, 12 and 15 in Cleburne County; and all of Precincts Nos. eight (8) and nine (9) and that part of Precinct twelve (12) north of the City of Greenville, the Greenville and Pineapple road and the old Montezuma road in Butler County, Alabama; and in Sections five (5), six (6) and seven (7), Township eighteen (18), Range nine (9), and Sections one (1), two (2) and twelve (12), Township eighteen (18), Range eight (8), making one hundred yards the line west and northwest of the public road known as the Oxford and Shinbone road, running through Section six (6), Township eighteen (18), Range nine (9), and Sections (1) and (2) in Township (18), Range (8), in Clay County, Alabama," approved December 14, 1898.

Section 1. Be it enacted by the General Assembly of Alabama, That the caption of an act entitled

Caption
amended

"An act to prevent stock from running at large in precincts Numbers 6, 7, 8, 9, 10, 11, 12 and 15, in Cleburne county, and all of precincts Nos. eight (8) and nine (9) and that part of precinct twelve (12) north of the City of Greenville, the Greenville and Pineapple road and the old Montezuma road in Butler county, Alabama; and in sections five (5), six (6) and seven (7), township eighteen (18), range nine (9), and sections one (1), two (2) and twelve (12), township eighteen (18), range eight (8), making one hundred yards the line west and northwest of the public road known as the Oxford and Shinbone road running through section six (6), township (18), range nine (9), and sections one (1) and two (2) in township eighteen (18) range eight (8), in Clay county, Alabama," be and the same is hereby amended so as to read as follows: "An act to prevent stock from running at large in Cleburne and Butler Counties."

Section 1
amended

Sec. 2. Be it further enacted, That Section 1 of the act described in Section 1 of this act be and the same is hereby amended so as to read as follows: "Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for stock of any kind to run at large in Cleburne county in precincts numbers 1, 3, 6, 7, 8, 9, 10, 11, 13, 15, and all that part of precinct number 4 that lies east and south of Cane creek; that is, lying on the left-hand side of Cane creek as you go down said creek; and also the Edwardsville school district in precinct number 4. And also precincts numbers eight (8) and nine (9), and that part of precinct twelve (12) north of the City of Greenville, the Greenville and Pineapple road and the old Montezuma road in Butler county, Alabama; and in sections five (5), six (6) and seven (7), township eighteen (18), range nine (9) and sections one (1), two (2) and twelve (12), township eighteen (18), range eight (8), making one hundred yards the line west and northwest of the public road known as the Oxford and Shinbone road running through section six (6), township (18), range nine (9), and sections one (1) and two (2) in township eighteen (18), range eight in Clay county, Alabama.

Sec. 3. Be it further enacted, That Section 10 of said act be amended so as to read as follows:

“Sec. 10. Be it further enacted, That any person who shall knowingly permit any of his stock to run at large in any of the precincts or parts of precincts in Cleburne or Butler counties named in the first section of said act, as amended by Section 2 of this act, or suffer the same to go within either of said precincts or parts of precincts beyond his own premises unattended, or permit the same to trespass upon the lands or crops of another in either of said precincts or parts of precincts, or any person who shall cause any stock to break away from their herds or guards or to break away when staked or tied out or who driven such stock upon the lands or premises of another in either of said precincts or parts of precincts, or who shall throw down or break any fence or enclosure of another for the purpose of turning any stock at large to go at large in either of said precincts or parts of precincts, or any person who takes any stock from any pen or enclosure where impounded without the consent of the person impounding the same without paying or tendering the lawful fees for feeding, watering and caring for same and the damages claimed on account of such stock; and any person who shall wilfully and wantonly beat or injure any stock impounded by him, or who shall fail or refuse to give such stock the necessary food and attention during its detention, shall be guilty of a misdemeanor, and shall be fined not more than fifty dollars, and may also be sentenced to hard labor for the county for not more than six months.”

Section 10
amended

Sec. 4. Be it further enacted, That said act be further amended by adding thereto, after the end of Section 12, and before Section 13, the following, to-wit: “Sec. 12. Be it further enacted, That every landlord having lands to rent or let for cultivation in any precinct or district in either of said counties where stock law prevails under this act, shall furnish to the tenant or tenants on such lands, free of charge, pasturage for one cow and calf for the family of tenants; provided, such tenant shall do

Duty of
landlords

Proviso

his proportionate part of the fencing and keeping in repair the fence of such pasture, and of any other work necessary to be done about such pasture to keep the same in condition for use as a pasture: Provided, That only that part of beat 13 northwest of the Kilgore Mountain, including all the lands of M. P. Humphries in said beat, be included in the stock law territory as provided in this bill. And provided further, that the provisions of this bill shall not apply to that part of beat 12, in which stock law does not now exist."

Approved February 21st, 1899.

No. 638)

AN ACT

(S. 278)

To incorporate the Mobile Tammany Society.

Incorporators

Be it enacted by the General Assembly of Alabama, That Frank T. Perkins, Maurice I. Marx, Lennox D. Browne, Francis J. Girard, J. M. Richardson, D. W. Taylor, and such other persons as are associated with them, and others who may from time to time become associated with them, are hereby declared a body corporate.

Name

2. Be it further enacted, That the name of the corporation shall be Mobile Tammany Society, and by that name it may sue and be sued.

Purpose

3. Be it further enacted, That the purpose of the said corporation shall be to open and maintain, for the benefits of its members, rooms and suitable quarters for occupation by the said society, to supply its members with books, periodicals, magazines, newspapers and such other reading and literary matter as will promote the enlightenment, culture and entertainment of its members.

Powers

4. Be it further enacted, That the said society shall have power to adopt a set of principles, a constitution and by-laws not inconsistent with law; to select for the government and proper administration of the affairs of the society, officers, committees and a board of governors and agents,

and to fix their terms of office. By its constitution and by-laws to provide for the number of members, their reception, suspension and expulsion; to fix fees and dues of members and to collect the same, thereafter to repeal, alter and change its principles, constitution and by-laws under such provisions as shall be set forth in the said principles, constitution and by-laws: Provided, however, That the principles, constitution and by-laws now in force shall continue in force until the same are repealed, altered or amended. Powers

5. Be it further enacted, That the said society shall have power, in addition to that hereinabove conferred, to lease and to purchase such real estate and buildings, or it may erect such buildings as may be necessary or proper for its use, and to acquire and hold in its own name, or to hold the said real estate in the name of a trustee or trustees, to acquire and hold such personal property as may be desired; to operate, either by administration or by contract, or by both, a kitchen and restaurant to be operated for the purpose of providing and supplying its own members with food, tobacco, cigars, cigarettes, and spirituous and malt liquors; provided, the said society shall take out and pay all State licenses now in force or that may hereafter become so authorizing the sale of the above mentioned articles; to own and operate billiard and pool tables, bath rooms and gymnasiums. The rooms and apartments of the said society shall be the private apartments of its members and shall not be used for any other purposes, or be treated as a public place or places.

6. Be it further enacted, That the said society shall have power to borrow money, make contracts, issue bonds, secured by mortgage on its property, and the exercise of such power may be executed by the board of governors of the said society; provided, its constitution and by-laws shall confer upon its board of governors power to so act.

7. Be it further enacted, That principal offices and quarters of the Mobile Tammany Society shall be in the City of Mobile, and that its Members

active members shall reside in Mobile City and Mobile county, but honorary members of the said society may be non-residents of the said city and county.

Approved February 21st, 1899.

No. 639)

AN ACT

(S. 442

To fix the compensation of bailiffs in Montgomery County.

Pay of bailiffs Section 1. Be it enacted by the General Assembly of Alabama, That bailiffs in Montgomery county shall receive two dollars per day while in attendance on the Circuit, City, Criminal or Probate Court, to be paid in the same way that regular jurors are paid.

Repeal Sec. 2. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 21st, 1899.

No. 640)

AN ACT

(S. 298

To incorporate the African Methodist Episcopal Zion Church Camp Ground, in Macou county, and to authorize and empower the trustees to pass and enforce rules and regulations to maintain and preserve good order within one mile of said camp ground, and to control its mauagement.

Limits Section 1. Be it enacted by the General Assembly of Alabama, That the African Methodist Episcopal Zion Church Camp Ground, in Macon county, embracing a square of one mile each way from the principal place of worship of said camp ground, be and the same is hereby incorporated with all the rights, powers, privileges and immunities of municipal corporation.

Sec. 2. Be it further enacted, That the trustees of the said camp ground be empowered and authorized to elect suitable persons as intendant and marshal for said camp ground, to pass rules and regulations for the control of said camp ground and to preserve and maintain order and to enforce such rules and regulations as may be passed by imposing penalties, not to exceed imprisonment in the county jail for forty-eight hours, and fines not to exceed fifty dollars in any case.

Authority of
trustees

Sec. 3. Be it further enacted, That the constituted authorities of the said camp ground are authorized and empowered to exact licenses of any persons vending or selling any article whatever, and may also prohibit the sale, barter or transfer of any article or commodity on said camp ground.

Licenses

Sec. 4. Be it further enacted, That it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, or any intoxicating beverages of any nature whatever or any quantity within one mile of said camp ground.

Unlawful

Sec. 5. Be it further enacted, That any person who shall violate any provision of this act shall be guilty of a misdemeanor and, on conviction, shall be fined not less than one nor more than fifty dollars, and may be imprisoned in the county jail for not more than forty-eight hours.

Penalty

Sec. 6. Be it further enacted, That the term of office of said intendant and marshal shall not exceed one year, but they may continue to discharge the duties of their respective offices until their successors are elected and qualified.

Term

Sec. 7. Be it further enacted, That the marshal may, with the consent of said trustees, appoint one or more policemen, who shall have the same power to enforce order and make arrests as the marshal, and shall hold office at the will of said trustees; said policemen shall be under the control and direction of the said trustees.

Police

Sec. 8. Be it further enacted, That all rules, ordinances and regulations for the control of said camp ground shall be effective and go into force immediately after their adoption.

Rules

Repeal

Sec. 9. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 21st, 1899.

No. 641)

AN ACT

(S. 460

To amend Section 4630 of the Criminal Code of Alabama, so far as the same relates to Beats Numbers 10 and 11, Bibb County, Alabama.

Justices of the
peace

Section 1. Be it enacted by the General Assembly of Alabama, That Section 4630 of the Code of Alabama be amended so as to read as follows: "Section 4630. Justices of the peace have in their respective counties, concurrently with the County Court, jurisdiction of the following offenses: violations of vagrancy, assaults, assaults and battery and the affrays in which no stick or other weapon is used, and when the value of the commodity which is the subject of the crime does not exceed ten dollars, of larceny, whether at common law or by statute, obtaining money by false pretense or taking with intent to defraud another, embezzlement and receiving stolen or embezzled goods, knowing them to be stolen or embezzled, and for the failure to work public roads after legal notice, and of offenses to cruelty to animals, and of public drunkenness, disturbing women at public assembly, and disturbing religious worship, and disturbing people met for school purposes and holidays, card and dice playing at public houses and other public places, shooting along or across public roads, engaging in horse-racing on public roads, jumping on and off trains while in motion, presenting firearms at another and assault with a weapon, using obscene language in the presence of females, removing or defacing mile posts and other guide boards, injuring, breaking or taking a boat from its moorings, maliciously or negligently breaking or destroying fences, taking or using any animal or vehicle of another without authority, taking fish without the owners consent from artificial ponds,

lakes or traps; permitting sheep and hog killing dogs to run at large."

Sec. 2. Be it further enacted, That the provisions of this act shall only apply to Beats No. 10 and 11, in Bibb county, Alabama, and that all laws, general or special, in conflict with this act are hereby repealed.

Approved February 21st, 1899.

No. 642)

AN ACT

(S. 483

To provide for the working of persons convicted of misdemeanors upon the public roads in Marengo County.

Section 1. Be it enacted by the General Assembly of Alabama, That hereafter, all persons convicted by any Court in Marengo county of a misdemeanor shall be sentenced to work out the sentence of said Court for said crime upon the public roads of the precinct of said county. Work on roads

Sec. 2. Be it further enacted, That upon the trial and conviction of any person in any of the Courts of Marengo county of a misdemeanor, the judge of the Court of conviction shall take the personal recognizance of such convict that he will do faithful work when called upon, under the direction of the road officer of his precinct, for the term of his said sentence, and the Court shall parole the said convict and allow him to return to his home. Parole

Sec. 3. Be it further enacted, That the clerk or the judge of the Court of conviction shall furnish the road overseer of the precinct of the residence of said person convicted as aforesaid, a report showing the names and term of sentence of each person sentenced as directed herein. Duty of court officers

Sec. 4. Be it further enacted, That if any one convicted and paroled by the Court as authorized in this act fails to work as directed by the proper road officer of his precinct, then said officer shall report said failure to the Court of conviction, and When sentence doubled

the said Court, upon a trial and conviction therefor, shall double the sentence of said person so reported, and sentence him to hard labor for the term of said double sentence.

Road fund

Sec. 5. Be it further enacted, That the income arising from the sentence provided for in Section 4 of this act shall go into the fund of the county set apart for roads and bridges.

Rate of payment

Sec. 6. Be it further enacted, That any person sentenced under the provisions of this act shall be allowed to pay to the road overseers of his precinct the amount due for the term of his sentence at the rate of forty cents a day.

Approved February 21st, 1899.

No. 643)

AN ACT

(H. 1115

To authorize the board of mayor and councilmen of the Town of Abbeville to issue and negotiate bonds of said town to an amount not exceeding ten thousand dollars for the purpose of establishing and maintaining a system of water works and fire department, and for the purpose of completing and equipping of the Southeast Alabama Agricultural School building now being erected in said town, and providing for the redemption of said bonds with the interest thereon.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the board of mayor and councilmen of the Town of Abbeville, be and they are hereby authorized to issue and negotiate bonds of the said town to an amount not exceeding ten thousand dollars, in such denominations as they may determine, to be known as water, fire and school protection bonds, with interest coupons attached, numbered to correspond with said bonds, showing the amount of interest and when payable; said bonds shall not run longer than thirty years, but shall be redeemable at the option of said town of Abbeville after twenty years from their date;

said bonds to bear interest at a rate not greater than six per cent. per annum, payable semi-annually. Said bonds may, in the discretion of said board, be made payable, principal and interest, in gold coin of the United States of the present standard of fineness and weight, and at such place as said board may prescribe.

Sec. 2. Be it further enacted, That said bonds shall be signed in the name of the town of Abbeville by the mayor of said town, and countersigned by the clerk of said town, and the seal of said town shall be applied thereto: Provided, That the signature of said mayor and clerk on said coupons may be lithographed, printed or engraved thereon. Signed by

Sec. 3. Be it further enacted, That said board of mayor and councilmen of said town of Abbeville are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted, and that no technical informality or irregularity, neglect or omission in the proceedings or records of said board of mayor and councilmen shall in anywise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper. Authority of mayor and councilmen

Sec. 4. Be it further enacted, That said board of mayor and councilmen are authorized to sell or dispose of said bonds to the best advantage, and may apply the proceeds of the sale of said bonds to the establishing and maintaining a system of water works and fire department, one or both, and the completion and equipping of the Southeast Alabama Agricultural School building now being erected in said town of Abbeville: Provided, however, That the bonds herein authorized to be issued shall not be additional to the bonds authorized to be issued by said town under the act approved February 18th, 1897, but shall be in lieu of said last named bonds, which have never as yet been issued. Sale Proviso

Sec. 5. Be it further enacted, That said board of mayor and councilmen be and the same are hereby authorized to levy, assess and collect upon all the taxable property within said town (within the constitutional limitations) sufficient taxes to pay the Payment of

principal and interest of said bonds, and in order to meet the interest and principal at maturity upon any and all of said bonds issued under the authority of this act, shall, and is hereby made their duty to set apart out of the general revenue of said town of Abbeville each year, four per cent. of the amount of bonds issued under this act as a sinking fund for the redemption of said bonds when they become due and an amount sufficient to pay the interest as it shall become due on said bonds. Said sinking fund shall be invested from time to time as it accumulates in the bonds of the United States or of the State of Alabama or in the interest bearing bonds or obligations of any county or municipality in said State, and shall be applied to the redemption of the bonds issued hereunder, and to no other purpose whatever.

Tax exempt
from

Sec. 6. Be it further enacted, That the bonds issued under the provisions of this act be and the same are hereby exempted from municipal taxation.

Repeal

Sec. 7. Be it further enacted, That all the laws and parts of laws in conflict herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 21st, 1899.

No. 646)

AN ACT

(H. 912

To relieve J. F. Joseph and C. W. Joseph from the payment of a license in Montgomery County, Alabama.

Preamble

Whereas, The said J. F. Joseph and C. W. Joseph purchased the business of J. A. Galatas on the first day of October, 1898, and continued the same at the same place from said date to January first, 1899; and,

Whereas, Said J. A. Galatas had taken out a license for said place from January first, 1898, to January first, 1899.

Section 1. Be it enacted by the General Assembly of Alabama, That no license for said business shall be required of the said J. F. Joseph and C. W. Joseph from the first day of October, 1898, to the first day of January, 1899. Relief

Approved February 21st, 1899.

No. 647)

AN ACT

(S. 235

Regulating the office of County Superintendent of Education in the County of Lawrence.

Section 1. Be it enacted by the General Assembly of Alabama, That the county superintendent of education in the County of Lawrence shall be appointed by the superintendent of education on October 1st, 1900, or as soon thereafter as possible, and every four years succeeding. The term of the office of said county superintendent of education shall be for four years, and until a successor is appointed and qualified. The county superintendent's duty shall be to supervise the schools of the county school district in the county wherein said superintendent officiates, and said supervision shall be under the direction and control of the State superintendent of education; the said superintendent shall perform all other duties necessary and usual to the execution of the office, or which are or shall be prescribed by law; and failure to perform the duties herein prescribed or any one of the same shall subject the county superintendent of education to forfeiture of salary or removal from office, or both, by the State superintendent of education. Appointment
of
Term
Duties

Sec. 2. Be it further enacted, That the provisions of this act shall be effective on and after October 1st, 1900. When act
goes into
effect

Sec. 3. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act, be and the same are repealed, in so far as they relate to the County of Lawrence. Repeal

Approved February 21st, 1899.

No. 648)

. / AN ACT

(S. 396

To authorize the board of mayor and aldermen of Birmingham to assess the costs of improvements heretofore made upon the streets, avenues and alleys of said city against the attingent property and to provide for the collection thereof.

Preamble

Whereas, The board of mayor and aldermen of the City of Birmingham have heretofore, under divers ordinances or resolutions or orders caused certain and divers improvements to be made upon certain and divers of the streets and sidewalks, avenues and alleys of said city, and the cost of such improvements respectively to be assessed against the real property attingent and abutting on such improvements; and,

Whereas, The validity of such ordinances or resolutions or orders and of such assessment, or some of them, is in doubt; therefore,

Cost against
property

Be it enacted by the General Assembly of Alabama, That whenever the board of mayor and alderment have heretofore caused any street or sidewalk, alley or avenue, or any part thereof, in said city to be graded, paved, macadamized or regraded, repaved or remacadamized or otherwise improved, with the intent to assess the cost of such improvement against the real property abutting on or attingent to such improvement, said board of mayor and aldermen is hereby authorized and empowered to assess the costs of such improvement against the real property abutting on or attingent thereto, whether or not the original resolution, order or ordinance under which such improvements were made, or the proceedings thereunder were valid or invalid: Provided, however, This act is not intended to apply where assessments have been made and the amounts thereof have been paid.

Basis of

Sec. 2. Be it further enacted, That such assessment shall be made in each case upon the basis of the frontage of the property so as to be assessed on the portion of the respective streets, sidewalks, avenues or alleys so improved.

Sec. 3. Be it further enacted, That before the board shall proceed to make such assessment, notice shall be given by publication for thirty days of the time and place, when the board will proceed to assess same; and such assessment shall become due and payable within thirty days from the date of such assessment. Publication

Sec. 4. Be it further enacted, That all assessments made and levied under and by virtue of this act shall be a lien upon the property so assessed superior to all other liens, except that of the State and county for taxes. Any mistake in the descriptions of the property or in the name of the owner thereof shall not vitiate in any degree whatsoever the lien of such assessment, but such assessment shall not include the cost of the paving or other improvement between the tracks and for eighteen inches on each side thereof of any street railroad, or any other railroad, upon such street, nor where there are two or more tracks thereon the cost of paving or other improvement between such tracks. Lien

Sec. 5. Be it further enacted, That such assessment, and any or all of them, shall be collectible in the manner in which taxes may be collected; and the board of mayor and aldermen may proceed to collect all such assessments as the same falls due, in the manner and with the same powers as are now conferred upon said city for the collection of taxes on real estate; or the city may proceed by bill in chancery to enforce the lien. Collection

Approved February 21st, 1899.

No. 649)

AN ACT

(S. 482

To provide for the improvement of the public roads
of Marengo County.

Section 1. Be it enacted by the General Assembly of Alabama, That there shall be elected by the Court of County Commissioners of Marengo county, at the first regular term of said Court held after Supervisor

the passage of this act, or as soon thereafter as practicable, and each twelve months thereafter, some suitable person as supervisor of roads for Marengo county, whose term of office shall be twelve months.

Compensation Sec. 2. Be it further enacted, That such supervisor of public roads shall be a practicable engineer; that his compensation shall not exceed eight hundred dollars per annum; that before entering upon the discharge of his duties he shall take the usual oath of office, and give bond in such sum as may be required by the Court of County Commissioners.

Duties Sec. 3. Be it further enacted, That it shall be the duty of said supervisor: 1. To supervise all road work in said county. 2. To direct and control all persons subject to road duty, overseers and road hands in the manner and time of the discharge of their duty as road workers. 3. To locate all new roads that may be established. 4. To make any change in established roads that he may think best, when the same may be done by consent of land owners whose lands are taken for said roads. In case of opposition by said land owners, he shall institute condemnation proceedings under general laws now in force. 5. To discontinue any public road which in his judgment is useless and not worth the labor and expense of working, but he shall first get the consent of the Court of County Commissioners before the said road shall be abolished. 6. He shall give each overseer of a public road five days notice of the time and place at which he will begin to work his road. 7. To build with his road hands all road bridges when he can, without interfering in his general road working. 8. To keep all county bridges in good repair. 9. To make in writing all contracts for building county bridges, furnish plans and specifications and shall inspect all such work done, and receive or reject the same, as in his judgment is for the good of the county: Provided, That all contracts must be submitted and approved by the Court of County Commissioners. 10. To require all overseers to report and pay over to him

all fines and forfeitures as soon as collected, and he shall at once pay the same into the county treasury, to the credit of the road and bridge fund. 11. Duties To make report to each regular term of the Court of County Commissioners of his acts and doings under this act, and shall submit along with said report an itemized statement of his receipts and expenditures, and shall make a like report to the grand jury of the county at each term of the Circuit Court held for said county. 12. To open all new roads. 13. To keep all fords of the streams in good order while bridge is down or because dangerous. 14. To obtain and keep a correct list of all misdemeanants convicted and sentenced to work public roads in the precinct of their county, and the term of sentence, and shall work them within said precinct upon all work required of him under this law. 15. To discharge any overseer found incapable or guilty of insubordination, and report the same to the road apportioners in his precinct, who shall at once appoint another overseer. 16. To take necessary steps to obstruct dangerous bridges and warn the public and protect the county. 17. To commence upon first grade roads and complete every road of this grade in the county; then work second grade roads; then the third grade roads, in the order named herein.

Sec. 4. Be it further enacted, That all apportioners and overseers of roads shall be appointed under the general road laws now in force. Apportioners,
etc

Sec. 5. Be it further enacted, That it shall be the duty of the road apportioners now appointed and to be appointed as provided in Section 5 of this act. Duties of
apportioners

1. To appoint an intelligent overseer for each road in his precinct. 2. To make a full and complete list of all persons in his precinct liable to road duty, and furnish a copy of said list to the supervisor. 3. To apportion fairly to each road overseer in their precincts the road hands apportioned to his roads, and furnish the supervisor a copy of the list of hands furnished each overseer.

Sec. 6. Be it further enacted, That it shall be the duty of the overseers of public roads in said county:

Overseers

1. To give each person, or road hand, appointed to him three days notice of the time and place at which the supervisor has notified him, he will begin work on the road. 2. To be present at the time and place according to the notice given him by the supervisor, and faithfully discharge his duty under the direction of said supervisor. 3. To report to some justice of the peace all hands who failed to appear for duty, having been legally warned. 4. To pay over to the supervisor all moneys collected by him as fines and forfeitures for non-performance of road duty.

Sec. 7. Be it further enacted, That it shall be the duty of the Court of County Commissioners of Marengo county: 1. To perform all the duties required of them under the general road law as to the appointment of apportioners and overseers of roads. 2. To make an estimate of the expenditures of the County of Marengo county, taking the year 1898 as a basis, for public bridges, including what is known as hollow bridges, and direct the county treasurer of said county to withdraw that amount from the general fund of the county and credit the same to a fund to be known as the road and bridge fund, and shall, at the first regular meeting after the passage of this act, make an order in accordance with the above directions, and shall at the same term in each year make the same order for the same amount. 3. That they shall and are hereby directed to levy, at the same time at which they are required under the general law, to fix the rate of county taxation, a tax of one-tenth of one per cent., to be known and collected as the road and bridge tax. 4. To audit all bridge and road claims and direct the supervisor to draw warrants on the road and bridge fund for the payment of said allowances. 5. To purchase and deliver to the said supervisor a complete road working outfit, to-wit: Eight good mules, and harness for same; two wagons, six drag scrapers, two six-horse railroad plows, one road grader, one roller, one good harrow, picks, mattox, shovels and axes and such other tools and implements as may be necessary to make up a com-

plete 'road-working outfit; and as many tents and camp equipages as may be required for the hands and teams, and shall issue their warrant against said road and bridge fund for same.

Sec. 8. Be it further enacted, That all male persons of said county who have lived therein ten days (except those living strictly within the corporate limits of any incorporated city or town which bona fide works and improves their streets) between the age of eighteen and forty-five years, except such as are blind or have lost their hands or foot, and except such as have the sworn certificate of a reputable physician stating that he is not physically able to work with any tool or implement used on the public road: Provided, No farm laborer shall be required to work during the months of May, June and July. Road duty

Sec. 9. Be it further enacted, That all persons liable to work on the public roads are liable to work eighty hours in each calendar year. Time

Sec. 10. Be it further enacted, That any person liable to work on the public road may procure exemption for the current year by paying to the road overseer under whom he is liable to work, the sum of four dollars in money. Exemption

Sec. 11. Be it further enacted, That no person is liable to work on any public road any parts of which is over four miles from his residence, or to work more than eighty hours in any calendar year, not counting hours worked in opening new roads: Provided, This will not apply to any person sentenced by the Courts of the county to work upon the public roads who may be worked upon any road in the precinct of his residence. Distance

Sec. 12. Be it further enacted, That each overseer, for the faithful performance of the duties required of him under this act, shall be paid one dollar per day for each day actually engaged in work under the direction of said supervisor. Pay

Sec. 13. Be it further enacted, That any persons required to discharge any duty required of him under this act fail therein he shall be guilty of a misdemeanor, and shall be fined not less than one cent nor more than five hundred dollars. Penalty

Repeal

Sec. 14. Be it further enacted, That all laws or parts of laws in conflict with this law are hereby repealed.

Approved February 21st, 1899.

No. 650)

AN ACT

(H. 1114

To create a new charter for the Town of Greensboro, Hale County.

Name

Rights

Corporate
limits

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the town of Greensboro, in Hale county, Alabama, shall be and constitute a body politic and corporate by the name of the Town of Greensboro, and by that corporate name may sue and be sued, grant, receive and do all other acts as natural persons in respect to the powers herein granted; may purchase and hold real estate, personal and mixed property and dispose of the same for the benefit of said town, and may have and use a town seal, which may be changed or altered at pleasure; and the corporate limits of said town shall embrace the following lands, to-wit: The west half of the northwest quarter, the southwest quarter and the west half of the southeast quarter of section sixteen; the east half and the southwest quarter of section seventeen, the north-half of the northwest quarter and the northwest quarter of the northeast quarter of section twenty, and that part of section twenty-one lying north of a line beginning at the southeast corner of the Southern University grounds, and running west to the section line between sections twenty and twenty-one, all in township twenty, range five, east, in County of Hale; and such lands as are embraced within a line beginning at southwest corner of the new graveyard in said town and running thence in a southerly direction on a line the continuation of the western boundary line of said graveyard, one hundred and forty yards; thence in an easterly direction on a line parallel with the southern fence

of said graveyard to a point due south of the southeast corner of said graveyard; thence on a straight line in a northerly direction to the southeast corner of said graveyard; thence along the southern line of said graveyard to the point of beginning.

Sec. 2. Be it further enacted, That the government of said town shall be styled "The Mayor and Council of Greensboro," and shall consist of a mayor and four councilmen, citizens and residents of said town, who shall serve for the term of two years, and until their successors shall have been duly elected; said mayor and councilmen shall be elected by the duly qualified voters of said town, who shall consist of all the voters under the constitution and laws of the State, and who shall have resided within the limits of said town for the period of ninety days next preceding the election at which they may offer to vote, and all freeholders of said town who are qualified voters under the laws of the State. The said mayor and councilmen shall each be ex-officio justice of the peace during their term of office, for the purpose of carrying into effect all laws, by-laws and ordinances that may be enacted by the corporate authorities of said town for the government of the same. Before entering upon the discharge of their official duties the mayor and councilmen shall, severally, take the oath of office prescribed by the constitution of this State, before some officer authorized to administer the same, which oath shall be filed with the records of said town. No person shall be allowed to vote at any election in said town, unless such person shall have been registered within the three months next preceding such election. The marshal of said town shall be the registrar thereof and administer oaths to voters, and shall keep the books of registration. The books of registration shall be opened three months before each election, and kept open until five days before each election, and then closed; each person offering to register shall take and subscribe an oath in words and substance, as follows: State of Alabama, County of Hale and

Style

Terms of
office

Election

Mayor and
councilmen
are J. P's

Official oaths

Who may
voteMarshal's
duty

Registration

Town of Greensboro, I, _____, solemnly swear that I am a qualified voter of said State and county and town. Subscribed and sworn to before me, this _____ day of _____, 18—. _____, Marshal of said Town.

Election

Sec. 3. Be it further enacted, That an election for mayor and councilmen of said town of Greensboro shall be held on the first Monday in March, 1899, and on the first Monday in March every two years thereafter; but should any election not take place on the day appointed, the corporation shall not for that cause be dissolved, but the mayor and councilmen shall remain in office until their successors are appointed and qualified, and they shall proceed to appoint some other day not beyond thirty days thereafter, on which day an election for mayor and councilmen shall be held as prescribed herein.

Supervision
of election

All elections shall be conducted under the supervision of three qualified electors of said town, to be appointed by the mayor and council. At such election the marshal shall be returning officer, and the mayor and council shall judge the legality of all elections, declare who has been elected, and in all cases of tie between two or more persons, shall determine which of said persons shall be mayor and councilmen, as the case may be, only those persons voting who are not personally interested in the result. All elections held for the election of officers

Returning
officer

Ties

State election
law governs

of said town shall be conducted in accordance with the general election laws of the State, except as otherwise provided in this charter; and all persons voting illegally, or swearing falsely at such elections shall incur the same penalty as for a like act committed at an election for officers of the State of Alabama: Provided, That from the decision of the mayor and council as to the result of any election held under the provisions of this act, the party against whom their decision has been rendered shall have the right of appeal to the Circuit Court.

Appeal

Quorum

Sec. 4. Be it further enacted, That for the transaction of all business, other than is hereinafter provided for, a majority of the board of mayor and councilmen shall be necessary, but a less number

may adjourn from time to time, and from day to day, and the board may, by its by-laws, compel the attendance of its members by a reasonable fine: Provided, That in all cases excuses or reasons for non-attendance may be heard and passed upon by such members of the board as are not interested in the case. Should a vacancy occur at any time in the office of mayor or councilmen, either by death, resignation or absence from the board for three months, or from any other cause, such vacancy shall be filled by appointment by the remaining members of the board.

Proviso

Vacancies

Sec. 5. Be it further enacted, That the board of mayor and council of said town shall have power:

Officers

(1) To elect a clerk, treasurer, marshal and such other officers as may be necessary, who shall be removable at the pleasure of the board; to prescribe the duties of the clerk, treasurer, marshal and other officers, and to require of them bonds with surety in such amounts as they may deem proper for the faithful performance of their duties; (2) To determine the amount of salary, fees and perquisites to be allowed to the mayor, treasurer, marshal, clerk and other officers, but the salary of the mayor shall not exceed the sum of three hundred dollars (\$300) a year; (3) To pass such laws and ordinances as may be necessary or proper to maintain and execute the powers in this charter granted, and for their own government and the government of said town, not contrary to the constitution and laws of this State; and it is expressly declared and enacted that the power and authority herein conferred is to be liberally construed for the attainment of the purpose for which it was granted; (4) To license, tax, regulate or restrain balls, dances for pay, theatrical and other shows, exhibitions, lectures, concerts and other amusements, except lectures and concerts for charitable purposes: Provided, That they may issue a license to any person or persons to keep a public hall in said town by the year, and all shows which exhibit in said hall shall be exempt from any other or further license; (5) To restrain and prohibit disorderly houses, gambling houses,

Official bonds

Salaries

Laws and ordinances

License tax

Powers

	houses of ill fame, racing, prize fighting, and cock fighting, within the limits of said town; (6) To prevent and punish all breaches of the peace, disorderly or riotous conduct, affrays, assaults, assaults and batteries; (7) To establish night and day watches and police, and appoint officers for the same, and to punish the officers, police and watches for neglect of duty, or misconduct; (8) To prevent and disperse all unlawful or disorderly assemblages; (9) To establish and regulate markets; to keep in repair all sidewalks, alleys and streets, and at all times to keep them free from obstructions of any kind; to build and make bridges and drains, and to adopt measures necessary to preserve and regulate the same; (10) To license and regulate carts, wagons, drays, hacks and carriages running for hire within the limits of said corporation; (11) To levy and collect a license tax on all business, trades, occupations and professions not prohibited by the constitution and laws of the State of Alabama, and to fix the amount of the license, and to provide a penalty for doing business without license: Provided, That no license tax shall exceed fifty (\$50.00) dollars, except that there may be levied on general dealers in merchandise, who are transient, in addition to the license tax provided for such business, a tax of $\frac{1}{2}$ of one per centum on the largest amount of merchandise on hand at any time while engaged in business, and the tax so provided for shall be in lieu of advalorem tax hereinafter authorized to be imposed for general town purposes; (12) To pass and enforce all ordinances deemed necessary or proper to prevent the introduction of infectious or contagious diseases within said town and to preserve the health of the inhabitants of the same; (13) To prevent and punish any disturbance of the public or private worship of God, or any assemblage of the inhabitants of said town, met for any lawful purpose; and to prevent and punish any indecent exposures of the person, profane or obscene language or exhibitions, and anything else pernicious to the morals and good order of society; (14) To prevent stock or animals of any kind from running
Police	
Markets	
Drays, hacks, etc	
License tax	
Proviso	
Diseases	
Animals	

at large in the streets and alleys of said town; (15) To prevent and punish malicious or willful mischief to houses, fences, ornamental, fruit or shade trees, signs, sign posts, tombs, monuments or any other property within the corporate limits of said town of whatever kind or description; to take and have control and management of the public graveyard of said town, and if necessary to elect a sexton to superintend the same, and to fix his pay and emoluments; to erect and keep a guard house for the confinement and imprisonment of offenders against the laws, by-laws and ordinances of said town; (16) To punish by fine not exceeding ten dollars, and imprisonment not exceeding twenty-four hours, one or both, all contempts of the board of mayor and council, or any one of them, while engaged in the performance of their official duties; and by fine not exceeding fifty dollars, and imprisonment or hard labor on the streets, or other public works of said town, for not exceeding sixty days, any breach or violation of the laws or by-laws or ordinances of said town; and all fines provided for in this act may be collected by execution issued by the mayor or any councilman, or their non-payment punished by imprisonment or hard labor as aforesaid, at the rate of one day for each fifty cents of the fine and costs assessed against the party: Provided, That in all cases where judgments are rendered against persons under this act, and the laws, by-laws and ordinances of said town, made in pursuance thereof, the party against whom such judgment may be rendered may have an appeal as hereinafter provided; (17) To punish wanton or unlawful interference with or damage to any part of the water works of the said town.

Contempts

Limits to fines
and hard
labor

Appeals

Sec. 6. Be it further enacted, That the mayor and council shall have the power to grant authority to any person or corporation to grade, lay down the track and operate street cars for the carriage of passengers and freight on any street or avenue in the town, under such rules and regulations as may be prescribed by them.

Street cars

Sec. 7. Be it further enacted, That the said mayor and council shall have full power and author-

Water and
lights

ity to make all needful provisions for supplying the town with water and with gas or electric or other lights, and for this purpose to sink, build and repair public wells and cisterns and to establish and control fire plugs and public hydrants, street lamps and all public lamps; and for the foregoing purposes the said mayor and council shall have full power and authority to purchase and provide for the payments for the same, all such real and personal property as may be deemed, from time to time, necessary and proper for the use, convenience and improvement of the town; and shall have likewise power and authority to construct and erect or buy works or plants for the furnishing of water and lights for said town, and sell and dispose of any property of said town deemed advisable to sell.

Fire limits

Sec. 8. Be it further enacted, That the mayor and council shall have full power and authority to make and establish fire limits in said town and to prohibit and prevent the erection or construction of all kinds of wooden or other buildings or other structures, except those erected or constructed of brick, stone or other safe and fire proof building material and same be covered with slate, metal or other fire-proof roofing material, within such "fire limits" and within such portion and limits as they may deem best for the safety of said town. And they shall have power, by ordinance duly passed by them, to fix and prescribe such fines and penalties as may be deemed proper to carry into effect the power conferred in this section, and to collect the same as other fines and penalties; and the fines and penalties so fixed may be imposed upon whomsoever may be engaged in violating the provisions and purposes of this section.

Remove
wooden
buildings.

Sec. 9. Be it further enacted, That the mayor and council shall have full power and authority to remove such wooden and other buildings as may endanger the town on account of their liability to take fire, from that portion of the town embraced within the fire limits, as provided for in Section 8 hereof, whenever they are of opinion such building should be removed. The mayor shall notify the

owner, or his agent to remove the house or other thing, and fixing a day for the owner to show cause why the house or other thing should not be removed; and the mayor shall also cause to be summoned a jury of seven qualified citizens who are residents of and real estate owners in said town, to appear on the day fixed and the day named, or the day to which said inquiry may be postponed, and any one of the jury so summoned may be challenged for good cause, and the owner of the property may have three peremptory challenges and the town two, and if from challenges or any other cause the number is not complete, the mayor must have a sufficient number summoned instanter of like qualifications, and when such jury is thus obtained they shall be duly sworn well and truly to enquire whether the safety of the town or any part thereof requires that the said building or any other thing should be removed, and the issue shall be submitted to them, and in the event the jury should be of the opinion that the house, building, structure or other thing should be removed, then they must ascertain what damages the owner shall receive on account of such removal; and if, after the finding of said jury in favor of removal, and the assessment of damages as aforesaid, the mayor and council shall deem advisable to make such removal, the mayor shall draw his warrant on the treasurer for the amount of damages so found in favor of the owner, and shall proceed to remove the said house, building, structure or thing.

Sec. 10. Be it further enacted, That the mayor and council, in order to determine the existence of a nuisance within the town, and whether the same should be removed, may give notice to the owner of the land or premises on which the nuisance is supposed to exist, or the agent or occupant thereof, or if neither can be found in the town, then by publication posted on the premises, of the intention to abate said nuisance, or by notice to the party creating, producing or causing the said nuisance, of the intention to remove the cause, and fixing a time and place for the parties interested to appear

Nuisances

and show, if they can, that no nuisance exists, or why the same should not be abated; and the mayor shall have a jury of resident citizens of the town, of the number of seven, summoned to attend, to ascertain whether a nuisance exists, and whether it should be abated. Each party shall be entitled to three challenges peremptory, and the jurors may be challenged by either for good cause, and to supply the place of any so challenged, or absent, others shall be summoned instantler. The jury thus obtained shall be sworn impartially to try the cause or question presented, and a true verdict render. They shall hear the evidence, and may be permitted, as a body, to personally view the premises, and shall determine whether there be a nuisance, and whether the same shall be abated; and if they find that there is a nuisance, and that the same should be abated, the mayor shall abate the same at the cost of the party creating or suffering the same.

Proceedings
as to moving
houses and
record of

Sec. 11. Be it further enacted, That in cases of inquiry by the jury as to moving houses and other structures, and as to nuisances, as provided for in the preceding section, a true record thereof must be kept and recorded, by the mayor or clerk, and there shall be allowed to the party the right to appeal to the Circuit Court of Hale county under proper bond and regulations, to be provided by the mayor and council; and the cause, when so taken by appeal to said Court, shall be tried de novo. If the mayor or other officer of the town, shall in good faith, and in accordance with the finding of the jury, remove any building or other structure, or abate any nuisance as herein provided for, he or they shall be exempted from all personal liability and none of the said officers shall be held to account individually for the consequences of removing such building or structure or abating such nuisance, or for damages for, or on account thereof.

Appeal

Witnesses and
jurors

Sec. 12. Be it further enacted, That the mayor and council shall have full power and authority in all trials and inquiry under the foregoing section to compel the attendance and service of all witnesses and jurors duly summoned as provided for,

and for failure to obey such summons or subpoena to inflict such penalty as they may deem proper, not exceeding fifty dollars. The jurors impannelled to try such issue as provided for, shall be entitled to receive one dollar per day for services so rendered by them, and the witnesses' twenty-five cents each per day; and on all such trial or inquiry the costs of the proceedings shall be taxed against and paid by the unsuccessful party, and execution shall issue to collect the same.

Sec. 13. Be it further enacted, That the mayor and council shall have authority to cause all vagabonds, tramps, idle or disorderly persons, all persons of ill fame or evil life, and such as have no visible means of support, or likely to become a public charge, or are found begging, or drunk in or about the streets, or who can have no reasonable course of business or support, or can not give a good account of themselves, all who are grossly indecent in language or behavior publicly or in the streets, and all prostitutes or such as lead notoriously a lewd or lascivious life, to give security for their good behavior for a reasonable time, or to depart from the town immediately, and in case of refusal to give such bond or depart from the town immediately, to cause them to be confined to hard labor for the town, on its streets or otherwise, for a period not to exceed ten days in any one month, unless such surety or departure be soon given and performed, and if such person shall be found afterwards so offending, like proceedings may be had from time to time as often as may be necessary in each and every month. Vagrants

Sec. 14. Be it further enacted, That the mayor and council shall have power and authority to open new streets and to widen or change the direction or names of the streets within said town, upon making compensation to the owner of lands thus taken for public use. The mode of condemnation of lands for purposes aforesaid shall be as follows: The mayor and council shall first pass an ordinance setting forth what lands are proposed to be condemned for such purposes, and notice thereof shall Open streets
etc

Condemna-
tion of
property

be given to the owners of said lands, if resident in the County of Hale, and if any owner is a non-resident thereof, ten days notice shall be given by publication in any newspaper published in said town, and the mayor and council shall fix a day, not exceeding ten days after notice aforesaid, to ascertain what compensation shall be paid said owners, and shall summon a jury of seven freeholders of said town to be present on that day at the office of the mayor; said jury shall be duly sworn by the mayor well and truly to assess what compensation shall be paid to the owners of said lands, and said jury may be allowed to view the premises, as well as hear evidence. When said jury shall have, by their finding fixed the amount of compensation aforesaid, the mayor may tender the amount thereof to such owners, and ten days thereafter may take possession of said lands, and hold and use them for the purpose for which they are condemned. Upon the assembling of the jury each party shall be entitled to three peremptory challenges, and if for any cause the jury is not complete, other jurors of like qualifications shall be summoned instantler. Either party dissatisfied with the finding of the jury may file objection thereto with the mayor, and shall thereupon be entitled to an appeal to the next term of the Circuit Court of Hale county, and have there the inquiry as to compensation tried de novo: Provided, Due notice thereof be given and security for the costs of such appeal be given within ten days thereafter. Jurors trying said cause shall be entitled to one dollar per day, and witnesses to fifty cents each per day, to be taxed against the party refusing to comply with the finding of said jury; and the mayor is hereby vested with power to compel the attendance of jurors and witnesses.

Appeal

Appeals in
criminal
cases

Sec. 15. Be it further enacted, That the party against whom a criminal judgment may be rendered in the Mayor's Court may have an appeal to the County Court of Hale county, by proceeding in the same manner as is provided by the Code of Alabama for appeals from the Justice Court, ex-

cept that the bond shall be made payable to the Town of Greensboro, and shall be approved by the mayor, or in his absence by one of the councilmen. If the defendant fails to appear at the County Court, a judgment nisi, as in cases of forfeited bail bonds taken in the County Court, shall be rendered against the defendant and sureties in favor of said Town of Greensboro, and proceedings had similar to those upon other forfeited bail bonds, and a new warrant of arrest issued for the defendant from the County Court, without any other authority therefor. Such warrant must be addressed to the marshal of said town, and when the defendant is arrested he may be released upon executing bond, with sureties, in the like amount and condition as the original bond. The trial in the County Court shall be de novo upon complaint filed in the name of said town, briefly stating the charge against the defendant. If the defendant is convicted, the Court shall render judgment against the defendant, imposing such fine or imprisonment, or hard labor, as the Court shall deem proper, and shall also render judgment for all costs and fees in the County Court, and in the Mayor's Court, and if the fine and costs are not paid, or a judgment with satisfactory securities confessed, shall sentence the defendant to hard labor on the streets or public works of said town, at the rate of one day for each fifty cents of fine and costs, and said town shall be entitled to recover of each defendant, upon conviction on appeal an attorney's fee of ten dollars, to be taxed and collected, as part of the costs. The Court shall direct the sheriff, when the defendant is sentenced to hard labor or imprisonment, to deliver him to the town authorities for the purpose of having the sentence of the Court executed. All fines so imposed go to said town.

Sec. 15½. Be it further enacted, That the fees of Fees
the mayor for any criminal case tried before him
shall be the same as the fees of justice of the peace
in HALE county, in similar cases; and the fees of the
marshal for any criminal case brought before the
mayor, shall be the same as fees of the sheriff in

similar cases. All such fees of the mayor and marshal shall be assessed as costs in such cases and may be collected either by execution issued by the mayor or by sentencing the defendant to hard labor for the town until such fees shall have been paid by allowing to the credit of the defendant fifty cents for each days work: Provided, That no person can be sentenced to hard labor for the costs in any case for a period of more than ten days.

Power to tax Sec. 16. Be it further enacted, That said corporation shall have power, in addition to the special taxes hereinbefore authorized, to levy on all property subject to taxation under the laws of the State of Alabama, such tax as may be necessary for defraying the expenses of the said corporation, not exceeding the amount prescribed by the Constitution of the State of Alabama.

Tax assess- Sec. 17. Be it further enacted, That an assess-
ment ment of all the property in said town subject to
taxation shall be made annually by the marshal to the owner of said property, if known, otherwise assessing it to owner unknown, and upon the failure or refusal of any person to give in his or her property when required, the marshal must proceed to assess from the best information he can obtain. The assessment must be completed by the first day of July of each year, and returned to the board, and a session of the board, beginning on the second
Escaped Monday in July of each year, must be held for
property the purpose of correcting all errors and hearing all complaints. When property has escaped taxation in any preceding year, it is the duty of the marshal to assess it for each year, or years also. When complaints have been heard and decided, and errors and mistakes corrected the assessment must be marked "approved" by the mayor, and delivered to the marshal to collect. The assessment, so approved, shall have the force and effect of a judgment and execution, and shall be a lien on all the property assessed therein, and the marshal shall, on failure to pay, collect the same by levy and sale of the personal property of the person to whom assessed, or if assessed to owner un-

known, by sale of the personal property, or so much thereof as may be sufficient to satisfy all taxes, fees and costs of such sale, and no property shall be exempt from levy and sale under the provisions of this act for taxes due from the owner thereof to said town. All sales of personal property under the provisions of this act must be advertised for one week in some newspaper of the town, and must be made at the door of the court house of Hale county, between the hours of 12 m. and 4 p. m.; and may continue from day to day till the sale is completed. If on the first day of December of each year, the taxes remain unpaid, and the marshal is unable to find any personal property out of which to make the same it shall be his duty to return the assessment, so endorsed, to the board. The board shall cause to be filed, in the office of the probate judge of Hale county, a complaint setting forth briefly that the Town of Greensboro has a lien upon the real estate mentioned in the assessment; (describing it) for unpaid taxes due from the person to whom it belongs, or, where the owner is unknown, for unpaid taxes upon the property (describing it) assessed to owner unknown; that the proceedings required by this act have been had (giving the residence of the owner when the same is known), and praying for a decree of the Probate Court ordering said real estate, or so much thereof as may be necessary, to be sold for the satisfaction of said taxes and all costs and interest. All unpaid taxes shall bear interest from the first of December of the year in which they are assessed. The power herein conferred for the collection of the taxes due said town, shall not in any way affect the right of said town to enforce the collection and payment of the same by suit at law, or garnishment as any other claim or demand due to said town, may by law, be collected.

Sale of personalty for taxes

Selling realty for taxes

Sec. 18. Be it further enacted, That it shall be the duty of the probate judge, as soon as the complaint mentioned in the preceding section is filed in his office, to issue a notice, substantially in the following form: State of Alabama, Hale county,

Selling realty
for taxes

to A. B. (the person to whom assessed), and to the owner of lands or lots herein described: This is to notify you that the Town of Greensboro has filed in my office a complaint alleging that it has a lien upon the following lands or lots, to-wit, _____ for \$., unpaid taxes assessed for years against, or (where the owner is unknown) for unpaid taxes assessed against said lands, or lots, and praying that the same may be sold for the payment of said taxes and costs. You are therefore, summoned to appear before me on Monday, the day of, then and there to show cause, if any, why a decree should not be made in accordance with the prayer of said complaint. C. D., probate judge.

Sec. 19. Be it further enacted, That the notice provided for in the preceding section shall be executed by publishing it for three successive weeks in some newspaper published in said town, and where the owner is known and resides in Hale county, by the sheriff of said county handing him a copy thereof; where the owner is known and resides out of said county, by sending a copy of said notice to his address, if known, through the mail. When the notice has been executed, as above for ten days before the time mentioned therein, the complaint shall stand for trial on that day, and shall be heard and determined, unless continued for good cause, but if not executed ten days before the day specified in the notice, then, the complaint shall stand for trial at the next ensuing monthly term of the Probate Court of Hale county.

Taxpayer
may contest
assessment

Sec. 20. Be it further enacted, That upon the hearing of the complaint, the owner or the person to whom assessed may appear and defend, and the Court shall enquire into the truth of the matter, and hear, and determine the same as the law and justice of the case may require. Any person other than the person to whom it is assessed, having an interest in the property, may appear and defend, and where such persons are known, they may be made parties by serving a copy of the notice upon them, if residing in the county, or by

mailing a copy to their address if residing out of the county. If the issue is found in favor of the town, the Court shall render a decree for the taxes interest due, and all costs, and shall make an order directing the sheriff of Hale county to sell the lands or lots described in the complaint, for the satisfaction of the decree, and all costs, which decree shall be signed by the probate judge and recorded, and a copy thereof delivered to the sheriff of Hale county. Upon the receipt of such copy, the sheriff shall proceed to sell the land or lots therein described, or so much as may be necessary, in the same manner as in case of lands levied upon under execution from the Circuit Court, and shall make a deed to the purchaser. Appeals may be taken from the decree of the Court, within ten days after the rendition thereof, to the Supreme Court of Alabama, on the party praying the appeal, executing a bond, payable to said town, with good security, to be approved by the judge in double the amount of the decree and costs, conditioned as other appeal bonds: Provided, That the said town of Greensboro may appeal without giving bond.

Order of sale

Sale

Executes deed

Appeals

Proviso

Sec. 21. Be it further enacted, That the Town of Greensboro may employ counsel to represent it in the Probate Court, and in the Supreme Court on appeal, and such counsel shall receive such reasonable compensation for his services as the Court may allow, to be taxed and collected as part of the costs. The probate judge shall receive three dollars, in each case, for his services under this act, and the sheriff shall receive the same fees as for like services in the Circuit Court. The marshal shall be entitled to one dollar for each levy made by him under the provisions of this act.

May employ counsel

Fees of judge and sheriff

Sec. 22. Be it further enacted, That the lien for taxes given said Town of Greensboro shall be paramount to all mortgages, judgments and other liens except the lien of the State for taxes, and no assessment of property, or charges for taxes shall be considered as illegal on account of any irregularity in the tax lists or assessment roll, on account of

Priority of tax lien

Irregularities
in assessment

the same not having been made and returned within the time required by law, or on account of the property having been listed, without the name of the rightful owner, and no error or informality in the proceedings of any of the officers connected with the assessment or collecting the taxes, not affecting the substantial justice and rights of the taxpayers, shall affect the proceeding herein provided for, and all such errors may, in the discretion of the Court, be corrected.

Duty of tax
payers

Sec. 23. Be it further enacted, That it shall be the duty of all persons liable to taxation in said town to furnish to the marshal, upon demand, each year, a full and accurate list of all the items upon which he or she is liable to be taxed, describing the land or lots (if any), and the value of each item, from which list the marshal shall make out the assessment, and the tax payer shall subscribe an affidavit thereon that such assessment contains a full, true and correct list of all his taxable property in said town, and all items upon which he is liable to taxation in the same, to the best of his knowledge and belief; and the marshal is hereby empowered to administer such oath. Any person falsely taking such oath shall be guilty of perjury; and any person failing or refusing to make the list and take the oath as herein provided may be punished as the ordinance of said Town of Greensboro shall provide.

Redemption

Sec. 24. Be it further enacted, That the statutes of the State of Alabama in reference to the redemption of lands sold under tax sales, are hereby made applicable to lands sold under the provisions of this act.

City may buy
at tax sale

Sec. 25. Be it further enacted, That it shall be the duty of the board to appoint some suitable person, who may be of their number, to attend all sales of land for taxes under this charter, and if the amount of taxes and costs are not bid, to buy in the same for the town.

Sec. 26. Be it further enacted, That all male persons residing in the corporate limits, within the ages liable to do road duty, shall pay such street tax as the corporate authorities may impose, not

exceeding five dollars in any one year; said tax shall be due and payable on the first day of March each year, and shall be delinquent on April first each year. If it be not paid on or before such time, then any person liable to such tax shall be considered as having failed to pay the same, and shall be summoned before the mayor on a charge of having failed to pay street tax. The mayor shall, as early as practicable, give to any such person a hearing, and if found liable for such tax, he shall sentence such person to pay a fine of not less than five or more than ten dollars, and in default of payment, to work out said fine on the streets of Greensboro at the rate of fifty cents per day. No person shall be arrested without a warrant by the marshal, unless such marshal be previously informed by the city tax collector, or other person whose duty it is to collect said tax that said person has not paid same, and such arrest must not be made then, if the person will give bond, with good and sufficient security, for his appearance before the mayor. For the purpose of collecting such tax or imposing the payment of the same, the city tax collector, or any person collecting the same, or the marshal, shall have the right to enter upon the premises of any person or corporation in the city or within the police jurisdiction thereof. Provided, That all such persons may pay and discharge such tax by working on the streets, roads and alleys of said town, or such other work as the town authorities may designate, not exceeding ten days.

Street tax

Sec. 27. Be it further enacted, That all persons residing in said corporate limits shall be wholly exempt from road duty without said limits; all persons exempt from road duty by any special or general law of the State, are also exempt from street duty within the limits of said town.

Exempt from
road duty

Sec. 28. Be it further enacted, That it shall be the duty of the mayor to preside at all meetings of the board, and to preserve order; he may call special meetings of the board whenever in his opinion it may be necessary, and in his absence any two coun-

Duties of
mayor

cilmen may call a meeting. The mayor shall keep an office in said town, where he shall attend to, hear and determine all cases of breach or violation of any of the laws, by-laws or ordinances of the town, or he may request one of the councilmen to attend in his stead, and in his absence or inability to attend at any meeting of the board, one of the councilmen shall be called to preside pro tempore in his place.

Powers of
marshal

Sec. 29. Be it further enacted, That the marshal of said town shall have authority to execute the laws, by-laws and ordinances passed by the mayor and council of Greensboro; to arrest, without warrant, all offenders against the peace and good order of the town, and all violations of the laws, by-laws and ordinances and carry them before the mayor, or one of the councilmen, or confine them for safe keeping in the county jail, or town guard house until they can be brought before the proper authority, and, if necessary, he may call to his assistance any of the citizens of said town to enable him to make the arrests, and any person or persons refusing or neglecting to assist, when so called upon by the marshal, shall be punished as in this act is provided in cases of contempt. The marshal shall also perform such other duties as may be required of him or annexed to his office by the laws, by-laws and ordinances of said town.

Sec. 29½. Be it further enacted, That the mayor and councilmen of said town may separate the office of marshal from that of assessor and collector of town taxes and licenses, and they may elect a marshal and may also elect an officer to assess and collect taxes and licenses, and fix the compensation of each of such officers and prescribe their duties. Such officers to hold their offices at the will of said mayor and councilmen.

Sec. 30. Be it further enacted, That all by-laws and contracts now in force and made by the council of said town under existing law be and the same are hereby continued and shall not be repealed or abrogated or affected by this act.

Sec. 31. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this

act be, and the same are hereby repealed, so far as they apply to the said Town of Greensboro. Repeal

Approved February 23rd, 1899.

No. 651)

AN ACT

(H. 1315

To amend Section 1377 of the Code of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That so much of Section 1377 (3687) (5032) (3518) (3047) of the Code of Alabama as is in the following language: Impaneling grand juries, advertising and attending all elections in his county, and for all other public services not otherwise provided for such sum as may be allowed by the Court of County Commissioners, to be paid out of the county treasury, not exceeding two hundred and fifty dollars per annum; be and the same is hereby amended so as to read as follows: Impaneling grand juries, advertising and attending all elections in his county, and for all other public services not otherwise provided for such sum as may be allowed by the Court of County Commissioners, to be paid out of the county treasury, not exceeding two hundred and fifty dollars per annum, except in Lee county, Alabama, in which it shall be not exceeding five hundred dollars per annum, at the discretion of the board of county commissioners.

Code, Section
1317
amended

Approved February 21st, 1899.

No. 652)

AN ACT

(H. 1332

To allow magistrates and constables the same fees in Baldwin and Lawrence Counties, that sheriffs and clerks of the Circuit Court receive now by law for like services.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of

Fees

this act, justices of the peace and constables in Baldwin and Lawrence counties, Alabama, shall be allowed the same fees that clerks of the Circuit Courts and sheriffs are now allowed by law in said counties for like services rendered by them.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in so far as they conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 21st, 1899.

No. 653)

AN ACT

(H. 1376

To establish a separate school district in Barbour County, Alabama, to be known as the Oatston School District.

School district

Section 1. Be it enacted by the General Assembly of Alabama, That the following described territory situated in Township 9, Range 27, Barbour county, Alabama, shall constitute a separate school district, to be known as the Oatston school district, to-wit: Beginning where Gin creek intersects East Choctawhatchee river, thence up said Gin creek in northwest direction, to the land line between the lands of Robert Lee and G. W. Zorn, thence north up said line to Lodi school district line on north side, thence west along said line to range line between Ranges 26 and 27, thence north up said line to corner of Beats No. 6 and 7, thence east along on line between Beat 6 and Beat 10, to east Choctawhatchee river, thence south down said river to starting point.

Trustees

Sec. 2. Be it further enacted, That said school district shall be under the control and management of three trustees, to be appointed after the passage of this act, by the county superintendent of education, whose term of office, powers and duties shall be the same as those of township trustees of said county: Provided, That the trustees first appointed under this act shall hold office only until

the expiration of the term of office of township trustees now holding office in said county, and provided further, that only one white school shall be located in said district.

Sec. 3. Be it further enacted, That said district shall receive its pro rata share of all funds raised or appropriated by the State for public schools, and shall also receive its pro rata of the sixteenth section interest accruing to the township from which said district is composed, and it shall receive all poll tax which may be collected from residents of said school district, and all funds which may be donated to said district, and said district shall be managed and controlled in the same manner that townships are controlled and managed in said county. School funds

Approved February 21st, 1899.

No. 654)

AN ACT

(H. 1358

To prohibit the sale of spirituous, vinous or malt liquors within one mile of the Universalist Church, near Ariosta, in Dale County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall not be lawful for any person to buy or sell any spirituous, vinous or malt liquors within one mile of the Universalist Church, located near the Town of Ariosta, in Dale county, Alabama. Prohibition

Sec. 2. Be it further enacted, That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five nor more than one hundred dollars, or may be sentenced to hard labor for the county for not less than one nor more than six months. Penalty

Approved February 21st, 1899.

No. 655)

AN ACT

(H. 1386)

To establish a separate school district in Shelby County, to be known as the Harpersville School District.

School district Section 1. Be it enacted by the General Assembly of Alabama, That the following described territory situated in Shelby county shall constitute a separate school district, to be known as the Harpersville school district, to-wit: An area of two and one-half miles in all directions from the white school as now located in the Town of Harpersville: Provided, That all territory included within the lap of the boundary line of said district over the boundary line of the Town of Vincent be equally divided between said district and the said Town of Vincent by a straight line running between the two points of intersection of said two boundary lines.

School funds Sec. 2. Be it further enacted, That said district shall receive its pro rata of all funds raised or appropriated by the State for public schools, and shall also receive its pro rata share of the sixteenth section, interest accruing to the township from which said district is taken, and it shall receive all poll tax which may be collected from residents of said district and funds which may be donated to said district.

Trustees Sec. 3. Be it further enacted, That the educational affairs of said district shall be under similar control as that of the township districts of the State and shall be managed by three trustees, who shall be appointed by the county superintendent of education.

Repeal Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, so far as they effect the same be, and the same are hereby repealed.

Approved February 21st, 1899.

No. 656)

AN ACT

(H 1398)

To amend Section 2 of an act entitled "An act to establish a charter for the City of Vincent, in Shelby County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 2 of an act entitled "An act to establish a charter for the Town of Vincent, in Shelby county, Alabama," approved February 16th, 1897, be, and the same is hereby amended so as to read as follows: Section 2
amended

Sec. 2. Be it further enacted, That the corporate limits of Vincent shall embrace an area including all the territory within two and one-half miles of the depot at Vincent, in said town, extending in all directions, two and one-half miles from said depot: Provided, That all territory within the lap of the boundary line of said Town of Vincent over the boundary line of the Harpersville separate school district be divided equally by a straight line running between the two points of intersection of said two boundary lines. Corporate
limits

Approved February 21st, 1899.

No. 657)

AN ACT

(H. 1400)

To fix the fees of the Judge of Probate of Marion County for recording mortgages.

Section 1. Be it enacted by the General Assembly of Alabama, That for recording mortgages the judge of probate of Marion county, shall only be entitled to charge and receive for each one hundred words ten cents. Fee

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed. Repeal

Approved February 21st, 1899.

No. 658)

AN ACT

(H. 1408)

To prevent the purchase of stationery by any of the officers of Cullman County, Alabama, unless the same has been ordered under the order of the Commissioners Court or Boards of Revenue of said county.

Stationery

Section 1. Be it enacted by the General Assembly of Alabama, That it shall not be lawful for the Commissioners Courts or boards of revenue of Cullman county, Alabama, to make any allowance for stationery used by the county officers, unless the same has been previously ordered by the said Court, by an order placed upon the minutes of said Court: Provided, The provisions of this act shall not apply to the offices of tax assessor and tax collector in publishing notices for the assessment or collection of taxes.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved February 21st, 1899.

No. 659)

AN ACT

(H. 1154)

To provide a new charter for the City of Fort Payne, DeKalb County, Alabama.

Corporate

limits

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitation residing within the following area of land, beginning at a point where the eastern boundary line of Sec. 8, Township 7, Range 9, east, intersects with the west boundary line of the Fort Payne & Eastern Railroad, thence along said west boundary line in a southerly direction to a point where it intersects the north boundary line of Oak street in the City of Fort Payne, thence in a westerly direction along Oak street and along the said Oak street produced in a straight

line to a point on the east side of the Alabama Great Southern Railroad 50 feet from the center of the main track of said railroad, thence in a south-westerly direction parallel with said Alabama Great Southern Railroad track, to intersect the south boundary line of Nineteenth street, thence in a northwesterly direction with said Nineteenth street to the conditional line dividing Hammack addition and Woodlawn addition, thence in a northwesterly direction along said conditional line to the west boundary line of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, Township 7, Range, 8, east, thence in a northwesterly direction to the northwest corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 13, Township 7, Range, 8, east, thence in a northeast direction on a straight line to the northeast corner of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7, Township 7, Range, 9, east, thence in a straight line to the southwest corner of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 7, Township 7, Range, 9, east, thence in a straight line to the northeast corner of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5, Township 7, Range 9, east, thence in a southeasterly direction crossing the valley in a straight line to the northeast corner of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 5, Township 7, Range 9, east, thence in a southerly direction along east boundary line of Section 5 and Section 8, Township 7, Range 9, east, to the beginning, be, and the same are hereby incorporated and made a body politic and corporate under the name and style of the mayor and city council of Fort Payne, which shall be managed and governed by a mayor and city council as hereinafter provided. Said corporation shall have perpetual succession, shall sue and be sued, plead and be impleaded, in all Courts of law and equity, and in all actions, may purchase, hold and receive property, both real and personal, within or without said city, and may sell, lease or dispose of the same for the benefit of said city, to the same extent as natural persons. It shall have a common seal and change the same at pleasure, and shall have police jurisdiction extending one mile beyond the corporate limits.

Name

Rights

Sec. 2. Be it further enacted, That the mayor and councilmen shall be elected by the qualified electors

of the City of Fort Payne for a term of two years, and until their successors are elected and qualified, the next election to be held on the first Monday in June, 1899, and thereafter city elections shall be held every two years on said first Monday in June.

Duties of
mayor

Sec. 3. Be it further enacted, That it shall be the duty of the mayor to preside at the meetings of the city council. The mayor shall have the power of veto, and shall approve or disapprove all ordinances passed by said council; and no ordinance vetoed by the mayor shall go into effect unless the same be passed over his veto by a majority vote of the entire council. It shall be the duty of the mayor to sign all ordinances that meet with his approval, and if the mayor fail to return to the council any ordinance at the next regular meeting of the city council with his disapproval he shall be deemed to have approved the same, and it shall become a law without further action. The mayor shall have power to make pro tempore appointments to fill vacancies of any city office except councilmen, and to suspend any city officer except councilmen for misconduct in office or neglect of duty, reporting his action with the reasons therefor in writing to the next regular meeting of the city council, by whom final action shall be taken. The mayor shall have the power to call special meetings of the city council, when necessary, of which said meetings notice shall be given the councilmen of the time and objects of said meeting; and the business of such meetings shall be restricted to the objects stated in the notice. The compensation of the mayor shall not exceed the sum of one hundred dollars per annum, and a fee of one dollar in every case of conviction before him, to be paid by the defendant; but in no case shall his fee be paid out of the city treasury. In case the mayor's office is vacated for any reason the mayor pro tem shall discharge the duties and have all the powers of mayor for the unexpired term.

Mayor and
council

Sec. 4. Be it further enacted, That the city council shall be composed of five councilmen, who shall reside in the City of Fort Payne, at the time of

their election and during their term of office. No person shall be eligible to the office of mayor or councilman who has not the qualifications mentioned in Article 8 of the Constitution of this State, and who has not been a resident of the City of Fort Payne for at least one year next preceding his election. If the mayor or any councilman should cease to be a resident of Fort Payne during his term of office his office shall thereby become vacant. All vacancies in the office of councilman shall be filled by the remaining members of the council. If for any reason the mayor pro tempore should become mayor, as provided in this act, then the council shall elect another councilman to fill his office. If two or more persons receiving the highest vote for mayor have the same number of votes, and in all cases where two or more persons receive the same number of votes for councilman, which said number of votes would elect, but for the tie, then such tie or ties shall be certified at once by the council, whose duty it may be to declare the result of the election, to the probate judge of DeKalb county, and said probate judge shall cast the deciding vote, and the candidate or candidates for whom he gives such deciding vote shall be declared elected. The mayor, councilman or other officers of said city may be impeached by the city council for non-feasance, misfeasance, or mal-feasance in office, and a majority of the city council concurring may be removed.

Vacancies

Tie

Impeachment

Sec. 5. Be it further enacted, That the mayor and each councilman shall, before entering upon the duties of his office, take an oath that he will faithfully and impartially discharge the duties of his office. The councilmen shall elect one of their own number to be their presiding officer, to act in the mayor's absence, and who shall be clothed with the authority of mayor pro tem. The city council may determine its own rule of proceedings, and prescribe the punishment of its members for non-attendance, or disorderly conduct, and may enforce the same. A majority of its members concurring, it may expel a member for improper conduct while in office. It

Oath

Mayor
pro tem.

City council

shall require a majority of the members of the council to form a quorum for the transaction of business, but a smaller number may adjourn from day to day, and under a provision of ordinance may compel the attendance of absent members by fines and penalties. To enable the city council to fully investigate charges against its members or other officers, or such other matters as they may deem proper, the mayor, at the request of the board, is hereby empowered to issue subpoenas and compulsory process to compel the attendance of persons, and the production of books or papers before the city council, or any committee thereof. The city council shall hold meetings at such times as it may determine, not exceeding two regular meetings per month; and the councilmen shall receive no compensation for their services.

Elections

Sec. 6. Be it further enacted, That before the first election held under this act, and every two years thereafter, the mayor and city council shall appoint three inspectors of such election, who shall be residents of said city, and two of whom shall be members of opposite political parties; and the mayor and councilmen must provide for the opening of the polls, and it shall be the duty of the mayor to give ten days notice by publication in a newspaper, or by posting notices of the time and place of holding the election, and the names of the inspectors. The said elections shall be conducted according to the laws of this State in force at the time of such election.

Voters

Sec. 7. Be it further enacted, That only those persons shall be qualified electors to vote in any election for mayor and councilmen of said City of Fort Payne who are qualified electors under the general laws of this State in force at the time of such election, and who have resided within the corporate limits of said City of Fort Payne as established by this act for three months next prior to any election at which the elector proposes to vote.

Sec. 8. Be it further enacted, That the said inspectors of election, immediately after the polls are closed shall proceed to count the ballots and

compare them with the poll lists, and if two or more ballots are found rolled up or folded together, so as to induce the belief that the same was done with a fraudulent intent, they must be rejected, or if any ballot contains the names of more persons than the voter had a right to vote for the first of such names on such tickets to the number of persons the voter was entitled to vote for only must be counted. As soon as they shall have finished the count and ascertained the number of votes received for each person, and for what office they must certify the result of the election to the mayor and council of said city. They must also enclose the ballots cast with the poll list and their tally sheets and certificates of results in the box in which were placed the ballots received at such election, and carefully seal said box and deliver the same, with its contents, to the mayor, who shall give his receipt for the same, stating the condition of the box when it was received. The mayor and city council shall, within three days after said election, hold a meeting and open the boxes and from said certificate of results declare the election of the person who shall have received the highest number of votes to their respective offices. Said mayor and council shall hold and safely keep for thirty days the poll list, ballots, tally sheets, and certified returns. The judge of probate of DeKalb county shall have jurisdiction, as provided by the laws of this State of all contests of mayor and councilmen; and all laws of the State of Alabama governing or applicable to contesting elections for the office of sheriff, shall govern and apply in contesting any election for mayor or councilman. If there be no contest said mayor and council shall destroy all said papers after the expiration of time for contest. Any person offering to vote at any municipal election in said city may be challenged by either of the inspectors, or by any qualified elector; and it is the duty of each inspector to challenge any person offering to vote whom he does not know, or suspects not to be qualified under this act, as an elector. When any person is challenged, if his bal-

Election

Election

lot is not withdrawn one of the inspectors must tender him the following oath, to-wit: "You do solemnly swear that you will answer all such questions as may be put to you, touching your qualifications as an elector." The inspectors, or one of them, must then examine him as to his qualifications under this act. They may also receive proofs of his qualifications other than the oath of the challenged party, and are hereby empowered to administer oaths to all persons who offer to vote, and to witnesses whom they may examine, and must admit or reject the ballot of the challenged party as his right may be shown, and if any person refuses to take the above oath, or to answer any of the questions, except such as may tend to criminate himself, his vote may be rejected. Any person who falsely personates another and thereby casts a vote to which he is not entitled, or after once voting at such election votes a second time shall be guilty of a felony, and on conviction shall be punished by imprisonment in the penitentiary for not less than six months or more than two years.

Sec. 9. Be it further enacted, That the mayor and city council of the City of Fort Payne shall, within the limitations of this act, have power by ordinance: 1. To levy and collect taxes from all property taxable by law for State purposes. 2. To levy and collect taxes upon all privileges, trades, or occupations, of not less than five nor more than one hundred dollars. 3. To appropriate money and provide for the payment of the debts and expenses of said city, and also the debts of the municipal corporation of which it is the successor. 4. To make regulations to prevent the introduction of any contagious diseases in the city, to make quarantine laws for that purpose and to enforce the same within five miles of the city, and to punish the breach of the same. 5. To establish hospitals and make provisions for the government of the same. 6. To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances. 7. To provide the city with water by water works within or beyond the city, or by contract, and

to provide for the prevention and extinguishment of fires, and to organize and establish fire companies. 8. To make appropriations to open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean and keep in repair streets, alleys, sidewalks, or to have the same done, and to plant shade trees, and to erect, establish and keep in repair bridges, culverts, sewers and gutters, and to make appropriations for lighting the streets, and for the erection of all buildings necessary for use of the city. 9. To license, tax, and regulate auctioneers, grocers, merchants, retailers, taverns, brokers, coffee houses, confectioners, hawkers, peddlers, butchers, lawyers, doctors, livery stable keepers, and all other privileges. 10. To license, tax, and regulate hackney, carriages, carts, omnibuses, wagons, drays and all other vehicles, and to fix the rates to be charged for the carriage of persons and property within the corporate limits of the city, and to the public works and property outside of the city. 11. To license, tax, regulate or prohibit or suppress theatricals and other exhibitions, shows and amusements. 12. To regulate or prohibit or suppress all gambling houses, disorderly and bawdy houses and obscene pictures and literature. 13. To regulate, restrain or prevent the carrying on of manufactories dangerous in causing or producing fire, and to prevent or suppress the sale of fire arms, and carrying of concealed weapons. 14. To regulate the storing of gun powder, tar, pitch, rosin, salt-petre and all other combustibles, explosive or inflammable material, and the use of lights, candles and steam pipes in stables, shops and other places, and to regulate or suppress the use and sale of fire crackers and toy pistols, and to prohibit the sale of spirituous, vinous or malt liquors, or intoxicating beverages within said city. 15. To provide for the inspection and measuring of lumber, and other building material. 16. To provide for the inspection and weighing or measuring of stone, coal, wood and all fuel, hay, corn and other grain. 17. To provide for and regulate the sale of beef, pork, flour, meal, and all spirits in barrels, hogsheads and

Powers

other vessels or packages. 18. To regulate the inspection of milk, butter, lard and other provisions; to regulate the vending of meat, poultry, fish and vegetables; to restrain and punish the forestalling and regrading of provisions; to establish and regulate markets. 19. To impose fines, forfeitures, and penalties for the breach of any ordinance, and to provide for their recovery and appropriation. 20. To provide for the arrest, imprisonment and punishment of all riotous and disorderly persons within the city, by day or night, and for all breaches of the peace, noise, disturbance or disorderly assemblies, and to provide for the punishment, by fine, or imprisonment, of the commission of any offense punishable by the laws of the State of Alabama. 21. To pass all ordinances necessary for the health, convenience and safety of the citizens, and to carry out the full intent and meaning of this act, and to accomplish the object of this corporation. 22. To impose penalties upon the owners, occupants or agents of any houses, walls or sidewalls, or other structures that may be considered dangerous or detrimental to the citizens, unless after due notice, to be fixed by ordinance, the same be removed or repaired. 23. To regulate, tax, license or suppress the keeping or going at large of all animals within the city, and to impound the same, and in default of redemption, in pursuance of ordinance, to sell or kill the same. 24. To erect and organize a work house in or near said city, and any person who shall neglect or fail to pay any fine imposed upon him by any ordinance of said city, shall be committed to such work house until such fine and costs shall have been fully paid, or, if male, to work out the fine on the streets. 25. To provide for improving, enclosing and regulating all public grounds belonging to the city, in or out of the corporate limits. 26. To impose penalties upon persons convicted of cruelty to animals. 27. To appoint, regulate and govern a police force, to impose fines, forfeitures, penalties and terms of imprisonment in the city work house, or work on the public streets, of males, for the breach of any city

ordinance, but no penalty shall exceed one hundred dollars, and no term of imprisonment shall be for a longer term than six months for the same offense. **Powers**

28. To regulate and provide for the construction or repair of sidewalks and foot pavements, and if the owner or owners of the adjacent lots shall fail to comply with the provisions of such ordinance within such time as may be prescribed by the city council, may contract for the construction or repair of such sidewalks or pavements, and the city shall pay the same, and the amount so paid shall be a lien upon said lot and may be enforced by attachment in law or equity, or the amount may be recovered against said owner by suit before any Court of competent jurisdiction; to compel owners of buildings to erect fire escapes when necessary for the safety of occupants. 29. To grant the right of way through the streets, avenues and squares of said city for the purpose of street or other railways, telephone, telegraph and electric light companies, and for laying pipes of gas and water companies. 30. To take and appropriate grounds for widening or extending streets or parts thereof, or for laying out new streets, avenues, squares, parks or promenades when the public convenience requires it, upon just compensation, to be determined according to the law of the State regulating proceedings of ad quod damnum and condemnation, by railroad corporations. 31. To establish, regulate or change fire limits within said city, and to pass all laws necessary for the protection of said city against fire; and for this purpose may remove wooden buildings or other structures, paying the owner therefor a reasonable price, which shall be determined by arbitration, the arbitrators to be selected as follows: One by the owner of the property, and one by the mayor of the city; and in case of a failure to agree the arbitrators so selected shall choose a third arbitrator, and the amount agreed upon by a majority of the arbitrators shall be final; and to punish by fine or imprisonment the erection of any building in said fire limits other than those prescribed by ordinance. 32. To regulate the speed

Powers

of trains, cars or locomotives on railroads or tramways in said city, and to punish violations of such regulations. 33. To establish and build drains, sewers, aqueducts, and reservoirs, and to regulate the same, and to take and appropriate any land or rights of way necessary for such drains, sewers, aqueducts or reservoirs, upon just compensation to be determined according to the laws of this State regulating proceedings of ad quod damnum in cases of condemnation by railroads; and to pass all ordinances necessary to compel owners of real property to ditch and drain the same, at the expense of the owner, and to punish any refusal or neglect of such owners or agent of such property, by fine or imprisonment, one or both. 34. To prevent and remove all nuisances at the expense of the person causing the same or upon whose premises the same may be found, to regulate or prohibit privies, and privy and water closets, sinks and wells. 35. To make all ordinances necessary concerning idlers, paupers, vagrants, and disorderly or vicious persons, and correcting or restraining their vicious habits. 36. To punish all persons who, in any manner, obstruct policemen in the arrest of any person, in police limits, and for the punishment of any person, who, when called upon to aid in the arrest of any person, shall fail to give such aid, or when summoned to act as patrol refuse to act, and when any person is so called on and aids such officer as required, he shall not be liable to punishment therefor, nor to any damages in civil suits: Provided, He did no more than was necessary to effect such arrest. 37. To punish injuries to streets, side walks and trees, and to private or city property. 38. To fix the time when the taxes of said city shall be payable and when delinquent.

Use of
revenue

Sec. 10. Be it further enacted, That the mayor and city council are forbidden to make any appropriation of money or credit in the way of donations, or pageants, and they are hereby prohibited from employing or appropriating the revenue and taxes in any other manner than for the purposes strictly municipal, and local, and according to the provisions of this act.

Sec. 11. Be it further enacted, That the city council shall by ordinance, determine the number of standing committees, and the number of members of each committee, and their duties. The mayor shall appoint said committees as soon as practicable after his election, and he shall be ex-officio a member of each, but shall not be entitled to a vote, except in the case of a tie. Committees

Sec. 12. Be it further enacted, That all city ordinances shall begin as follows: "Be it ordained by the mayor and city council of Fort Payne," and shall at the end of the act contain the provisions that "this ordinance shall go into effect from and after its passage, the welfare of the city requiring it," otherwise the same shall not take effect until twenty days after its passage. Ordinances

Sec. 13. Be it further enacted, That no member, officer or employe of the mayor or city council shall be directly or indirectly interested in any contract or work of any kind whatsoever under the direction of the mayor or city council, and any contract for material in which any such person has any interest shall be void. When, in the opinion of the city council, it shall become necessary in the prosecution of any work, to make alterations or modifications in a specification or plans of a contract, such alteration or modification shall only be made by order of the city council, and such orders shall have no effect until the price to be paid for the same shall have been agreed upon in writing, and signed by the contractor, and approved by the city council. The total cost of the work with the addition of the price, so agreed upon, shall not exceed the original estimate. No contractor shall be allowed anything for any extra work, alteration or modification, unless this section be complied with, and shall not be allowed more than the price fixed by agreement. Contracts

Sec. 14. Be it further enacted, That the several members of the police force shall have authority to immediately arrest, without warrant, and take in custody any person who shall commit or attempt in the presence of such policemen, or in his view, Police

any breach of the peace, or public offense prohibited by the laws of Alabama, or any ordinance of the city council, and such policeman shall, upon such arrest, unless bond be given, deliver such offender to the keeper of the city guardhouse, that he may be dealt with according to law by the Mayor's Court at its next sitting, and the officer shall, without delay, report the arrest, and cause thereof, to his superior officer.

Fines

Sec. 15. Be it further enacted, That every person committed to the workhouse, or to work on the streets, shall be required to work at such labor as his health and strength will permit, within or without said city, not exceeding ten hours a day, and for such work the person so employed shall be allowed, exclusive of board, fifty cents per day until the whole is discharged. No person shall be compelled to work longer than six months for any offense.

Taxes

Sec. 16. Be it further enacted, That all taxes shall be collected as prescribed by ordinance. Collectors of taxes on privileges in said city shall have power to issue distress warrants, and alias or pluries distress warrants in the name of the mayor and city council. The same may be executed by any policeman or other officer.

City officers

Sec. 17. Be it further enacted, That the mayor and city council are authorized to elect the following officers of said city, and no others, to wit: A tax assessor, who shall also perform all the duties of, and who shall be ex-officio tax collector and city clerk, and who shall keep his office open in said city during business hours; a city treasurer, a city marshal and such assistant policemen, from time to time, as may be necessary. All elections by the city council shall be by viva voce on call of the roll. All officers created by this act shall give such bond as the mayor and city council shall prescribe. No councilman shall be eligible to any city office during the period for which he was elected. The tax assessor shall be the legal custodian of all books and papers pertaining to the city government. The tax assessor shall receive for his services as tax assessor, tax

collector and city clerk, the fees and commissions allowed under the law of the State of Alabama to county tax assessors and tax collectors, and no more. The treasurer shall receive for his services the same commissions as are allowed by law to county treasurers, but not to exceed the sum of one hundred dollars per annum. The marshal shall receive for his services twenty dollars per month and such fees, to be paid by defendants in criminal cases, as may be fixed by the council; and extra policemen such sum as may be agreed upon by the city council, not to exceed one dollar per day. No fees allowed by this act shall in any event be payable out of the city treasury.

Sec. 18. Be it further enacted, That the mayor and city council shall have the power and authority to settle or compromise the legal bonded indebtedness of the City of Fort Payne now outstanding, and for such purpose they may issue bonds on said city not to exceed the amount of ten thousand dollars; but bonds shall not be issued for any other purpose. Bonded debt

Sec. 19. Be it further enacted, That it shall be the duty of the tax assessor, before the first day of May of each year, to assess for taxes all property within the corporate limits of said city subject to taxation under the laws of this State; such assessment naming the person liable for such taxes when known, and specifying the property when the owner is not known, which assessment shall be returned to the mayor and city council, and the mayor shall cause at least ten days public notice to be given that such assessment has been made, and the time when the city council, or a committee thereof, will hear and determine all complaints which be made against such assessment; and it shall be the duty of the city council, or committee thereof, to correct errors and supply omissions, and when the same has been passed upon by the city council, they shall levy a tax thereupon, and such levy shall have the force and effect of judgment and execution, and all taxes may be collected by levy and sale by giving such notice as is required by law on execution from the Circuit Court. Tax assessor

Tax collector

Sec. 20. Be it further enacted, That whenever any taxes on real property in said city assessed for municipal purposes, shall be due and unpaid for thirty days, the city tax collector may file with the mayor a list of such property, describing the same as accurately as may be, according to the maps of said city as recorded, and with the name of the owner, if known, and the amount of taxes, interest and costs due, or if the owner be unknown, stating that fact and the amount of taxes, fees and costs due on each piece. It shall be the duty of the mayor of said city to keep a book in which he shall enter the property so reported to him to be delinquent, stating each piece separately, and docketing a case against each piece of property when the owner is unknown, and all property of known owners in one case against them as follows: "Mayor and city council of Fort Payne, vs. _____" (describing the property), and against such entry shall note the ownership of said property and the amount of taxes, interests and costs due on said property, and shall leave space for the proper judgment entry in each case. The mayor shall then cause a notice to be posted in some conspicuous place on said property stating the fact that the taxes are delinquent, and giving the amount of same, and such statement as to ownership as may be entered on his docket, and that proceedings are pending before the mayor to have the same sold for taxes, and shall also cause a similar notice to be served on the owner of said property, if known and resident in the County of DeKalb, or if the owner be unknown or reside out of the County of DeKalb he shall publish such notice in a newspaper published in said city for three consecutive weeks before proceeding further in said matter. The notice prescribed shall be served and posted by some policeman of said city, whose return of posting and publication and service shall have the same force and effect of the return of a sheriff on process from the Circuit Court. If the taxes remain unpaid for thirty days after the posting and service of said notice or publication, the city tax collector

may move the mayor for a judgment against the said property for the amount of taxes, interests and costs due on the same, and the mayor shall thereupon, if good cause be not shown to the contrary, enter upon his said docket a judgment against said property for the amount of taxes, interest and costs that may be due on said property, and a decree for the sale of said property for non-payment of the same, which judgment and decree shall be sufficient if in substance as follows: "Due notice having been given and no cause shown to the contrary, it is decreed that the property described in this cause be sold for non-payment of _____ (giving the amount of taxes, interest and costs; the amount of taxes assessed against the same with interest and costs)" which judgment shall have the same effect as a judgment at law. An appeal may be taken to the next term of the Circuit Court for DeKalb county by any person interested in said property from the decree of the mayor, in such case, upon giving bond in double the amount of the judgment, with sufficient sureties, to be approved by the mayor, at any time within thirty days after the rendition of such judgment. Said bond shall be conditioned to pay such judgment as the Circuit Court may render in the premises, and all such costs and damages as the mayor and city council may sustain if the judgment is affirmed. Such appeal shall be heard on the record and bill of exception reserved by the defendant, setting out such of the evidence as he may deem necessary to a fair presentation of his defense, and must be affirmed, or reversed and remanded, or judgment entered as may be just and right. Upon obtaining judgment in any of such causes, the city tax collector shall advertise the property so decreed to be sold for three successive weeks in some newspaper published in said city, stating in the said advertisement the description of said property, the amount of the judgment against the same, the ownership thereof as shown by the court docket and the time and place where he will offer the same for sale; and on the day advertised, at the place mentioned

Sales

in said advertisement, being some place in said city, within the legal hours of sale, he shall offer said property to the highest bidder for cash, and may continue such sale from day to day, or adjourn the sale of one or more pieces of property for want of bidders, from time to time, not longer than ten days at one time, and may give notice of such adjournment by footnote to the original advertisement. The mayor and city council may purchase at any sale any piece of property for which there is no bidder greater than the amount of said judgment, or may withdraw from the sale any piece of property for which there is not a bid exceeding said amount. Where any piece of property so offered for sale is bid off by any person other than the city, the tax collector shall give to such purchaser a certificate stating the fact of his purchase, the price and the amount and nature of the judgment for which the property was sold, which certificate shall be transferable by indorsement, and if said property is not redeemed by the end of two years from date of sale, the city tax collector shall execute a deed to the holder of the certificate conveying the property sold, which deed shall be acknowledged by the said collector before any competent officer, and upon being duly acknowledged or probated as required by law, shall vest in the grantee all the right, title and interest which the owner of the property conveyed had in the same. A deed made and recorded within twelve months shall, when offered in evidence in any court of law or equity in this State, be prima facie evidence of title in the grantee. If, for irregularities in proceedings or other cause, a sale for taxes under this act shall prove ineffectual to pass title to the purchaser at such sale, or his assigns or grantees, then the holder of the certificate of purchase or deed, as the case may be, shall have the lien of the said mayor and city council of Fort Payne on the land named therein for the amount of interest, taxes and costs for which said land may have been sold, and shall also be a lien upon said land for interest upon same and for taxes paid thereon by any holder

of said certificate or deed, after the time of such sale, and such lien may be enforced by new proceedings before the mayor in the name of the mayor and city council of Fort Payne upon indemnity being given for costs. The owner or mortgagee of any interest in said property, whether in possession, reversion or remainder may at any time within two years from date of said sale redeem any property so sold, by paying to the city tax collector the amount for which such property was sold, with ten per cent. damages thereon and interest on the whole amount at eight per cent. per annum; and said collector shall give to the person redeeming a certificate of such redemption, which if held by a mortgagee, or any other person in interest, shall be a lien on said land for the amount paid to redeem any interest therein, and any subsequent taxes paid by such redeeming party, and the said collector shall pay over the redemption money to the holder of the certificate of purchase, upon the same being presented to him. The mayor shall tax as costs against the property ordered to be sold by him, fees for giving notice and for trial and rendition of judgment, and for making a certificate of purchase, and execution of a deed, as the mayor and city council may prescribe, not exceeding five dollars in any case, which shall be paid to the officers performing the services, and in case of purchase by the city no fee shall be paid. The certificate of purchase under this act shall authorize the purchaser or his assignee to maintain ejectment for the possession of premises sold under this act, if the sale was made as required by this act, and if such owner or mortgagee is an infant or a person non compos mentis, he shall be allowed two years after the removal of such disabilities in which to redeem.

Right to
redeem

Sec. 21. Be it further enacted, That the mayor shall act as judge of the Mayors Court, and shall have power to try and punish all offenses against the ordinances of the said City of Fort Payne by fine, not exceeding one hundred dollars, and imprisonment or hard labor on the streets or public

Duties and
powers of
mayor

Duties and
powers of
mayor

works, not exceeding six months. And as judge of the Mayors Court he shall have exclusive power to pardon and release persons convicted by him under the city ordinances. The mayor, or mayor pro tem., shall have power to punish for contempt of Court to the same extent that a justice of the peace may. Said mayor shall have power to examine and commit, or to admit to bail or discharge any person charged with any criminal offense, and he shall have the authority of a justice of the peace in all criminal matters arising within the corporate limits of said City of Fort Payne.

Sec. 22. Be it further enacted, That where parties tried before the mayor, or mayor pro tem. of said city, are dissatisfied with any judgment rendered by said mayor, or mayor pro tem. of said city, he or they may forthwith appeal to the Circuit Court of DeKalb county, by giving bond, with good security, to be approved by the mayor, and conditioned to pay and satisfy such judgment with costs as the Appellate Court may render on such appeal, but unless such bond be given within five days, then no appeal shall be allowed from such judgment. The proceedings on such appeal shall be in all respects as required by law, as in case of appeal from judgments of a justice of the peace in civil cases, except as changed by this act. If such defendant fail to appear in said Circuit Court, and if the case is called for trial, the judgment of the mayor, or mayor pro tem., shall be affirmed by said Appellate Court, and judgment shall be rendered against the defendant and the sureties on his appeal bond for the amount of the fines imposed by the mayor, or mayor pro tem., and the costs of the appeal, unless good cause is shown to the Court for his absence or default, and in case the defendant appears and judgment is rendered by said Court for money, the Court must also render judgment against the sureties on his appeal bond for the amount of such judgment and costs; and if the judgment of said Mayors Court be that the defendant be imprisoned, or put to hard labor for the

city, then the Appellate Court shall render judgment against the defendant and the sureties on his appeal bond, for the costs of the trial in the Mayors Court, and remand the defendant to the city authorities for punishment. In case of the death of the party appealing, the action may be revived by or against his personal representative in all cases where the cause of action may be properly revived. From the judgment of said Circuit Court the mayor and city council may appeal to the Supreme Court of this State.

Sec. 23. Be it further enacted, That in all case of conviction in the Mayors Court where the sentence is that defendant shall pay a fine and costs, the said defendant shall be permitted to secure said fine and costs and confess judgment for the same in the same manner as now provided by law upon convictions in criminal cases in the Circuit Court of DeKalb county; and execution may be issued by the mayor upon such confession of judgment in the same manner as in said Circuit Court, and which execution may be levied and collected by the marshal in the same manner that sheriffs of this State are authorized to collect executions. Fine and costs

Sec. 24. Be it further enacted, That this act is declared to be a public act, and may be read in evidence in all Courts of law or equity, and all ordinances, resolutions and proceedings of the said city council may be proved by the seal of the corporation attested by the city clerk, and when printed, and purported to be published by authority of the corporation, the same shall be received in evidence in all Courts and places without further proof. Public act

Sec. 25. Be it further enacted, That all male persons liable to road duty under the laws of this State, residing in said city, shall be liable to a street tax of two dollars and fifty cents per annum, and shall be exempt from road duty upon the payment of said street tax, but on failure to pay said street tax shall be forced to work out the amount thereof on the streets of said city at the rate of fifty cents per day. Street tax

Sec. 26. Be it further enacted, That it is not the intention of this act to repeal any city ordinance Repeal

now in effect or any act relating to said city except as to those parts inconsistent with this act.

Approved February 21st, 1899.

No. 660)

AN ACT

(H. 1000

To be entitled an act to create the town of Heflin, in Cleburne county, a separate school district.

School district of Alabama, That the town of Heflin, in Cleburne county, including all the territory now embraced in the corporate limits of said town shall be, and the same is hereby declared a separate school district.

Trustees Sec. 2. Be it further enacted, That the public schools within said district shall be under the supervision and control of a board of trustees, consisting of five members to be appointed by the state superintendent of education of Alabama, and they shall hold their office for a term of four years, and until their successors are appointed and qualified.

Appointment Sec. 3. Be it further enacted, That the first board of trustees for said school district shall be appointed by the said state superintendent of education within fifteen days after the passage and approval of this act. Said board of trustees shall continue in office until the 31st of December, 1903, or until their successors are appointed and qualified.

Schools Sec. 4. Be it further enacted, That no public school shall be established within said school district except by the direction of said board of trustees, and the county superintendent of education in said county shall make or approve no contract with any person to teach a public school within said district, except such as have been employed by the board of trustees and have made contract with said board of trustees.

Sec. 5. Be it further enacted, That said school district shall be entitled to receive for the use of

the public schools therein, the entire poll tax collected from the citizens residing within said school district, also its proportionate share of all other school funds of said county, from whatever source accruing, the same to be applied to the maintenance and support of the public schools of said district, to be paid and disbursed upon the order of the board of trustees of said district. School funds

Sec. 6. Be it further enacted, That the board of trustees shall elect one of their number president of the board, and shall elect one member of their number secretary, and said board shall perform the duties of township trustees in regard to the public schools of said district, and any and all other acts and duties necessary to be done for the maintenance and control of the public schools of said district; but they shall establish but one school for each of the white and colored races within said district. Officers

Sec. 7. Be it further enacted, That the county superintendent of Cleburne county shall, as soon as collected, pay to said board of trustees all moneys to which said district is entitled, including all poll taxes collected in said district, together with such other sums to which said school district is of right entitled. County superintendent

Sec. 8. Be it further enacted, That said board of trustees shall, before entering upon the discharge of the duties of their office, take and subscribe the same oath that public officers are required to take and subscribe under the general laws of this State, which shall be filed in the office of the mayor of said town of Heflin. Oath

Sec. 9. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed. Repeal

Approved February 21st, 1899.

No. 661)

AN ACT

(H. 817

To prescribe and regulate the trial of misdemeanors.

Section 1. Be it enacted by the General Assembly of Alabama, That all charges of misdemeanors

Misdemean-
ors

shall be made triable and returnable before some appropriate officer having jurisdiction in the precinct, where the offense was committed, whether or not sued out or issued by or before an officer not a resident of such precinct or beat, or if no such officer in the precinct then the adjoining precinct; but when carried before the officer to whom the process is made returnable, the defendant shall have the right upon demanding it of such officer, when appearing before him, to have his case sent either to the County or Criminal Court for trial, or to any justice of the peace, a notary public with jurisdiction of a justice of the peace of the precinct in which the courthouse is located. But this act shall not apply to cases in which indictments have been found; and after having the case removed for trial as herein provided, the defendant shall be held to have waived his right to have a grand jury pass on his case before trial or to appeal to a jury. But nothing herein shall deprive the defendant of the right to appeal from the judgment, if rendered against him, to the Circuit Court of the county in the manner prescribed by the general law in such cases: Provided, The provisions of this act shall not apply to cases of preliminary hearings; and, provided further, the provisions of this act shall apply only to Pike county; and all laws and parts of laws in conflict with this act are hereby repealed.

Applies only
to Pike co.

Approved February 21st, 1899.

No. 662)

AN ACT

(H. 929

To regulate and fix the times and places for assessing and collecting the taxes of Butler County.

Office to be
open

Section 1. Be it enacted by the General Assembly of Alabama, That the tax assessor and tax collector of said county be required to keep their offices in the courthouse of said county open, except as hereinafter specified, during the months of October, November, December, January, February and March

of each year: Provided, That during the months of October, November, and December of each year said tax assessor and tax collector shall remain at the town of Georgiana three days in each of said months; and the town of Garland two days in each of said months, from eight o'clock a. m. to four o'clock p. m., for the purpose of assessing and collecting taxes.

Sec. 2. Be it further enacted, That said tax assessor and tax collector be required to give notice of the days they will be in said town of Georgiana and Garland, in the same manner and for the same length of time as notices of their appointments for assessing and collecting taxes are now given. Notice

Sec. 3. Be it further enacted, That said tax assessor and tax collector, except at the times they are at the towns of Georgiana and Garland, and except on legal holidays, be required to remain in their offices, either in person or by deputy, during the months specified in the first section of this act, and that they be required to visit no other places except those specified in this act for the purpose of assessing and collecting taxes. To remain in office

Sec. 4. Be it further enacted, That nothing in this act shall be so construed as not to make the assessing and collecting taxes delinquent at the times and dates they now become delinquent under the laws of this State, but said dates on which the assessment and collection of taxes now become delinquent shall continue to apply to Butler county. Delinquent

Sec. 5. Be it further enacted, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed, so far as they relate to Butler county. Repeal

Approved February 21st, 1899.

No. 663)

AN ACT

(H. 949)

To regulate the fine and forfeiture fund of Coffee County, and all claims against said funds, and requiring all fines and forfeitures to be paid in money.

How payable of Alabama, Section 1. Be it enacted by the General Assembly That after the passage of this act, all fines and forfeitures and hire of convicts, or anything pertaining to said fine and forfeiture fund, shall be paid only in lawful currency of the United States; and all moneys which accrue to said fund in said county, and which may be collected by any sheriff, clerk, judge of probate, notary public, justice of the peace, constable, coroner or other officer, shall be paid to the county treasurer; and any officer who collects any such moneys and wilfully fails for more than sixty days to pay the same to the county treasurer, shall be guilty of a misdemeanor.

Registration Sec. 2. Be it further enacted, That all fine and forfeiture claims which have heretofore been registered by the treasurer of said county, shall by him be reregistered, in the order of their previous registration, within ninety days from the passage of this act, and all claims now existing against said fund and not registered shall be registered within ninety days from the passage of this act; and also all claims hereafter arising against said fund shall be registered within sixty days from their accrual. And all such claims not reregistered, or registered in the manner and time as herein provided shall be forever barred from payment.

Payment of claims Sec. 3. Be it further enacted, That all claims against said funds shall be paid by the treasurer in the order of their registration, as shown by the books of his office.

Repeal Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 21st, 1899.

No. 665)

AN ACT

(H. 656

To authorize and empower the Commissioners Court of Tuskaloosa County to build and maintain a bridge across the Warrior river at or near Foster's Ferry, in the County of Tuskaloosa, to issue bonds not exceeding forty thousand dollars for the purpose of building the same, to make the same a toll bridge, and to prescribe and regulate the tolls to be charged therefor, and to purchase or condemn the franchises and property known as Foster's Ferry, or so much of the same as they may deem best.

Section 1. Be it enacted by the General Assembly of Alabama, That the Commissioners Court of Tuskaloosa county be and the same is hereby authorized and empowered to build and maintain a bridge across the Warrior river, at or near Foster's Ferry, in Tuskaloosa county; to make the same a toll bridge and to prescribe and regulate the tolls to be charged for the use thereof. Bridge

Sec. 2. Be it further enacted, That said Commissioners Court, for the purpose of building said bridge, is authorized and empowered to issue and sell bonds of the County of Tuskaloosa in an amount not to exceed forty thousand dollars, payable in such coin or currency of the United States, as may be prescribed by said Court. Said bonds shall be issued in such denominations and payable at the First National Bank of Tuskaloosa, Alabama, at such time or times as may be prescribed by said Commissioners Court, and shall not be sold for less than their par value, and bear interest at a rate not to exceed five per centum per annum, the interest to be secured by coupons attached to said bonds, payable at the First National Bank of Tuskaloosa, annually or semi-annually, as may be prescribed by the said Commissioners Court. The proceeds of the sale of said bonds shall be paid to the treasurer of said county, by the Court of County Commissioners, and the said treasurer shall give his Bonds
Use of
proceeds

Duties of
county
treasurer

receipt for the same, which shall state the nature, character, amount and date of the deposit; said treasurer shall keep a separate account of this fund, and it shall be designated as the Foster's Bridge Fund, and said fund shall be paid out by him only upon warrants drawn by the probate judge of said county, specifying that they are to be paid out of the Foster's Bridge Fund: Provided, That no warrant shall be drawn on said fund until the account thereof has been presented to the Commissioners Court of said county, and duly audited and allowed by said Commissioners Court; and said county treasurer shall be responsible for the safe keeping and paying out of said fund, as he is for any other funds of the county, and shall be liable in the same manner as to it as he is for any other fund, or neglect of any official duty, and no portion of said funds shall be used for any other purpose than for the building and maintenance of said bridge.

Signed by

Sec. 3. Be it further enacted, That said bonds and coupons issued by authority of this act shall be signed by the probate judge and countersigned by the treasurer of said county, and the seal of the said county affixed thereto; and the said probate judge shall keep a correct record of all bonds issued and sold under this act.

Authority of
county com-
missioners

Sec. 4. Be it further enacted, That the said board of County Commissioners is hereby authorized to sell the bonds issued as aforesaid and to do all things necessary for carrying out the provisions of this act, and that no technicality, neglect or omission in the proceedings of said Court shall in anywise vitiate or annul said bonds or coupons, issued by authority of this act, or affect the rights of the purchasers or holders of said bonds and coupons; but said bonds and coupons shall have all the properties and protection of commercial paper; and said bonds shall be exempt from all county and municipal taxes.

Extra bond

Sec. 5. Be it further enacted, That the county treasurer of said county shall execute a good and sufficient bond in the sum of ten thousand dollars, with sureties to be approved by the probate judge

of said county, conditioned and payable in the same manner as his official bond as such treasurer is conditioned and payable, before receiving any of the funds arising from the sale of bonds, as provided in this act, and said bond shall be filed with the probate judge of said county.

Sec. 6. Be it further enacted, That said Court of County Commissioners may acquire, by purchase, the ferry rights of the owner of said Foster's Ferry: Purchase of
ferry
Provided, An agreement between the said Court and the owner of said ferry rights can be reached. In case the purchase price cannot be agreed upon, then proceedings may be instituted by said Court of County Commissioners to condemn such ferry rights for the use mentioned in Section 1 of this act; and all laws now existing or that may be hereafter enacted, in cases for the condemnation of land for public roads shall govern such proceedings, so far as the same are applicable.

Approved February 21st, 1899.

No. 666)

AN ACT

(H. 1420

To regulate the payment of bailiffs in attendance on the Circuit Court of Madison County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, bailiffs in attendance on the Circuit Court of Madison county, Alabama, shall receive as compensation for such services (\$2.00) two dollars per day for such service. Pay of bailiffs

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed. Repeal

Approved February 21st, 1899.

No. 668)

AN ACT

(H. 182)

To provide for the election of Superintendent of Education by a vote of the people in the County of Jefferson.

Election

Section 1. Be it enacted by the General Assembly of Alabama, That the county superintendent of education of Jefferson county shall be elected at the general election on the first Monday in August, 1900, and at the general election every four years thereafter, in the same manner as other county officers are elected; and their terms of office shall begin on the first day of October, 1900, and they shall hold said office and perform all duties thereof under the laws governing public schools; and the superintendent of education shall fill said office by appointment when vacancies occur, until said first day of October, 1900, and shall thereafter fill said office by appointment when vacancies occur.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved February 21st, 1899.

No. 671)

AN ACT

(H. 844)

To make South Florence Beat, in the County of Colbert, a part of Sheffield Beat of said county; and to provide for the retention of their offices during the present term of the beat officers of said South Florence Beat.

Sheffield beat

Section 1. Be it enacted by the General Assembly of Alabama, That the beat known as South Florence Beat, in the County of Colbert, and State of Alabama, is hereby abolished, and the territory comprising said beat is hereby added to and made a part of Sheffield beat.

Sec. 2. Be it further enacted, That the present beat officers of South Florence beat shall continue to hold their offices during the time for which they were respectively elected or appointed, and have jurisdiction in the same manner and over the same territory as before the passage of this act, and not otherwise.

Approved February 21st, 1899.

No. 672) AN ACT (H. 648
To establish stock law, and prevent stock from running at large in Beats four, five, sixteen and twenty in Marshall County, and to regulate the same in other precincts in said county.

Section 1. Be it enacted by the General Assembly of Alabama, That sixty days after the passage of this act no stock shall be allowed to run at large in Beats 4, 5, 16 and 20 in Marshall county, and it shall be unlawful for the owner of any stock to permit such stock to go upon the land or crops of another within the prohibited territory, and for each wilful violation of this section the owner of such stock shall be guilty of a misdemeanor and, upon conviction of such offense, shall be fined not more than fifty dollars. The term stock, where it occurs in this act, shall be held to include horses, mares, mules, jacks, jennetts, colts, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, hogs, shoats and pigs.

Sec. 2. Be it further enacted, That in said precincts in which stock are not allowed to run at large, the owner of such stock shall be liable to the party injured for the damages done by said stock to any land, or to any crops, or other property in said precincts. The party injured shall have a lien superior to all other liens on the stock doing such damage, for all damages done by such stock.

Sec. 3. Be it further enacted, That whenever any damage has been done to any property in said pre-

Trials

cinets by stock running at large in violation of the provisions of this act, the party whose property has been damaged may, within ten days after such damage was done, make complaint against the owner of the stock doing the damage to a justice of the peace or notary public, with the powers of a justice of the peace, of the precinct in which the damage was done, describing in the complaint the property damaged and the stock doing the damage, and the amount of the damage, and of what it consists; and whenever such complaint is made to the justice of the peace or notary public, he shall issue notice to the owner of such stock, commanding them to appear and answer such complaint on a day not less than three nor more than ten days from issuance of such complaint. If the owner of said stock appears on the day he is commanded to appear and answer said complaint, the justice of the peace or notary public, as the case may be, shall try such cause and render such judgment therein as the justice and equity of the case demands. But if the owner of the stock does not appear and answer after having been duly notified, as provided above, the justice of the peace or said notary public shall give judgment for the complainant for such damages he may have sustained. If, upon the trial, judgment be rendered for the complainant, the justice of the peace or said notary public, shall also render judgment condemning the stock doing the damage to be sold to the satisfaction of such judgment and cost of the suit, together with the reasonable expense of the keeping of such stock, if the same shall have been taken up, which amount shall be determined by the justice of the peace or said notary public trying the case, and shall constitute a part of his judgment in favor of the complaint, and he shall issue execution on such judgment, commanding any constable of the county to levy upon and sell such stock, describing them in the execution, for the satisfaction of the judgment and cost.

Sec. 4. Be it further enacted, That it shall be the duty of the complainant to demand of the owners of the stock injuring his property compensation

for damage he has sustained from their depredation, and a reasonable amount for the expense of keeping them if taken up before making complaint to the justice of the peace or notary public; and his complaint must allege that the demand was made and such compensation refused. If, upon the trial, it is shown that such a demand was never made, or said owner of said stock tendered complainant a full and just compensation for the damages he has sustained, and the reasonable expense incurred in the keeping of the stock, if taken up, the suit shall be dismissed at the cost of the complainant.

Demand

Sec. 5. Be it further enacted, That it shall be the duty of the party taking up the stock to inform the owner of the stock, without unnecessary delay thereof, and shall, if such owner fails or refuses to pay for the damage done and a reasonable amount for the keeping of such stock, if taken up, deliver, if demanded, said stock to said owner, who shall keep said stock, subject to the lien above created, until the suit before the justice of the peace or notary public has been decided, or until the time for the commencement of said suit has expired; and if said stock is condemned, it shall be the duty of the owner to surrender the same to the officers to satisfy the judgment. Any person having such custody of stock who shall dispose of the same in violations of the provisions of this section, shall be guilty of a misdemeanor and, on conviction before a justice of the peace or notary public with similar powers, shall be fined by him not less than twenty nor more than five hundred dollars.

Lien on stock

Sec. 6. Be it further enacted, That any person taking up stock belonging to an unknown owner, after having made reasonable efforts to ascertain the ownership of said stock, shall report the same to the justice of the peace or said notary public, fully describing in his complaint, claiming and setting forth damages sustained; and it shall be the duty of said justice of the peace or notary public to cause notice to be posted in three public places, near the lands of complainant, fully describing the stock and stating the day upon which complainant

Unknown
owner

will be heard, and shall proceed in all respects as if the owner was known.

Sales

Sec. 7. Be it further enacted, That whenever a sale is made of stock belonging to unknown owners under provisions of this act, the constable making such sale shall deduct his fees for attention, and after paying damages incurred to complainant and cost of Justice Court, and the remainder of the proceeds, if any, he shall pay to the county treasurer of Marshall county, with his sworn statement as to the proceedings had at such sale, including a description of stock sold.

Money sub-
ject to claim

Sec. 8. Be it further enacted, That if any money is paid into the county treasury from the sale of stock, the same shall be subject to the claim of the owner of the stock sold, and shall be paid to such owner upon his application and proof that it was his property sold. But if there be any money paid into the county treasury from the sale of unknown owner of stock, and owner does not make application and proof to county treasurer within twelve months from the time said money was turned over to him, the county treasurer is authorized, without further notice, to turn over said money, less five per cent. for keeping said money, to the public school fund of Marshall county.

Right to
redeem

Sec. 9. Be it further enacted, That any person whose stock is sold under an execution issued by a justice of the peace or notary public on a judgment rendered against owner of such stock under the foregoing sections of this act, may, within twelve months after sale, redeem said stock by paying to the purchaser of such stock the amount of the purchase money, with interest thereon from date of such sale.

Right of
owner

Sec. 10. Be it further enacted, That the owner of any animal which has been seized, as provided in this act, have the right to the possession of same on paying the damages, fees, cost and expenses on account of such seizure, to the person so seizing such animal; and shall also receive damages for the ill treatment or abuse of such animal or animals seized, if occurring while in possession of complainant.

Sec. 11. Be it further enacted, That any person who causes any live stock to break away from the herd or guard thereof, or who drives said live stock upon the land of another, or who takes from any lot or place where stock has been impounded such stock without first having paid the fees required by this act, or who wilfully permits stock to run at large without being herded or guarded, must, on conviction thereof, be fined not more than fifty dollars. Penalty

Sec. 12. Be it further enacted, That the right of appeal shall be had in all cases under this act, as in other civil causes, and that liens shall be lost under the provisions of this law, unless the plaintiff proceeds within thirty days to enforce such lien by all lawful means. Appeal

Sec. 13. Be it further enacted, That whenever in Marshall county two or more precincts in which stock and owner thereof shall be liable for damage, lie adjacent to each other, and any stock passes from one of said districts into another, said stock of any kind are prohibited from running at large, in every respect to be enforced in the same manner as if they lived within the precincts where the damage is committed. Liable for damages

Sec. 14. Be it further enacted, That after the passage of this act, whenever any adjacent precinct or precincts mentioned in this act in Marshall county, shall desire to prohibit stock from running at large, shall petition the probate judge of said county, asking that an election be held in said beat to decide whether in said beat stock shall be prohibited from running at large, the probate judge shall order an election in such beat within thirty days after the petition is made to him, at the usual voting place, which said order shall be published by posting three notices, one at the courthouse of said county, and two at public places in the beat in which the election is to be held. The sheriff of said county shall appoint two managers of such election, one of whom favors and the other opposes such law. At said election the qualified voters of the beat only shall be allowed to vote. Those favor- Elections

ing the running at large of stock shall have on their ballots "Stock at large," and those opposing shall have on their ballots "No stock at large." Said ballots at the close of the election, shall be counted by the managers and the results certified to the probate judge within two days after said election. If a majority of the votes cast as certified by the managers are in favor prohibiting stock from running at large, the said judge shall enter an order on the minute books of County Commissioners to that effect; and in sixty days after such election the provisions of this act shall apply and be in full force and effect in such beat.

Sec. 15. Be it further enacted, That the election provided for by this act shall be held within the hours and under the rules governing general elections in this State, except as to form of ticket; provided, there shall be but one election under this act in any one year, and any officer failing to perform his duty under this act shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars.

Expenses

Sec. 16. Be it further enacted, That the petitioners shall pay the expenses of holding the election provided for in this act.

Repeal

Sec. 17. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

When act
shall take
effect

Sec. 18. Be it further enacted, That the provisions of this act shall not take effect until a good and sufficient fence shall be built around said precincts 4, 5, 16 and 20 in said Marshall county.

Approved February 21st, 1899.

No. 673)

AN ACT

(H. 1256)

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, wines, ciders or other intoxicating beverages within six miles of Falkville, Morgan County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, wines, ciders or intoxicating bitters or beverages within six miles of Falkville, Morgan county, Alabama: Provided, That the provisions of this act shall not be so construed as to prevent the use of wines for sacramental purposes or the domestic use of such liquors in private residences; and, provided further, that nothing in this act shall be so construed as to prevent regular licensed and practicing physicians who have complied with the laws regulating the practice of medicine in this State, from keeping and administering such liquors when necessary in their actual legitimate practice. But this provision shall not be so construed as to allow or legalize any other sale or dispositon of any such liquors or compounds thereof made on the prescription or order of any physician. Prohibition

Sec. 2. Be it further enacted, That any person violating the provisions of the foregoing section shall on conviction be fined not less than fifty nor more than five hundred dollars for each offense; and for second offense must also be imprisoned in the county jail or sentenced to hard labor for the county for not less than ten nor more than ninety days and this shall apply to all offenses after the first. Penalty

Sec. 3. Be it further enacted, That this act shall go into full force and effect on the first day of March, 1899.

Approved February 21st, 1899.

No. 674)

AN ACT

(H. 1219

To prevent stock from running at large in the following described boundaries in Beat 3, Calhoun County, Alabama.

Stock district of Alabama, That immediately after the passage of this act that no stock shall run at large in Beat 3 in the following described boundaries: Starting on line Beat two (2)) district at Section 8, Township line south of C. D. Fites, and running east along said line to northwest corner of Tom Owens homestead land, and thence north to the northeast corner of the Lou Grant land, thence east to the Jacksonville and Anniston public road, thence south to the Treadway land, thence west to corner of Tom Owens Mitchell place and Treadway farm, thence south to corner of Mrs. Miller's land, thence east along line of Mrs. Miller's land to Dick Bonds line, thence south to the northwest corner of the Turner farm, thence east to section line, thence south along said section line for three-quarters of a mile, thence west to Mrs. Miller's land, thence south one-half mile, thence west one-quarter a mile, thence south one-quarter a mile, thence west one-half mile to section line, thence along section line to B. H. Matthew's land, then turning east, and running around said land back to the section line, thence south along section line to where it intersects the public road at Antioch Church, thence west along said road to the corner where the lands of M. W. Woodruff and T. L. and C. J. Houser joins, thence south one-quarter of a mile thence west five-eighths mile to where the land of M. W. Woodruff and J. N. Loyd joins, thence south one-quarter of a mile, thence west one-half mile to where the land of J. N. and J. T. Loyd joins, thence south one-quarter mile, thence west one-quarter mile, thence north one-half mile to the public road and stock law line.

Laws governing Sec. 2. Be it further enacted, That the said described stock law boundary shall be governed by

the laws governing stock law districts in Calhoun county.

Approved February 21st, 1899.

No. 675)

AN ACT

(H. 1019

To create a separate school district in Monroe County, to be known as Excel school district.

Section 1. Be it enacted by the General Assembly of Alabama, That the following described territory, to-wit: Beginning at the northeast corner of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 30, Township 6, Range 7, and running west along the midway line of Sections 25, 26, 27, and 28, Township 6, Range 7; thence south along section line to half way Section 16, Township 5, Range 7, and thence east along midway line of sections 16, 15, 14, and 13, Township 5, Range 7, to $\frac{1}{4}$ corner Section 18, Township 5, Range 8; thence north along quarter section line to point of beginning, be and the same is hereby established as Excel school district, and shall be known and called Excel school district. School district

Sec. 2. Be it further enacted, That there shall be three trustees in and for said school district, who shall be resident citizens and freeholders of said district, whose duties it shall be to establish and locate one white school, and but one to be taught each year within said district, and to employ teachers for said school and to perform all other duties necessary for the proper organization, regulation and maintenance of said school, making contracts with teachers and approving reports in the manner provided by the general school laws for the trustees of townships. Trustees

Sec. 3. Be it further enacted, That said school district shall receive its proportionate share of all funds raised or appropriated by the State or county for public schools; also its poll tax collected from the white residents of said district, and all funds which may be donated thereto. School funds

Trustees

Sec. 4. Be it further enacted, That the following named citizens and freeholders, D. W. Powell, M. D. Harrison and W. T. Wasden, shall be trustees of said school district for the period of twelve months, after which period of time shall have elapsed, the county superintendent of education shall appoint trustees for said district as trustees for townships are appointed under the general school laws.

Approved February 21st, 1899.

No. 676)

AN ACT

(H. 586)

To establish a separate school district in Etowah and Marshall Counties.

School district

Section 1. Be it enacted by the General Assembly of Alabama, That the following described land in Etowah and Marshall counties shall constitute a separate school district: Beginning at the southwest corner of Section 17, thence run east to Short creek, said creek being the line through Section 15 to Section 10, thence east to southeast corner of Section 10, thence north to northeast corner of Section 10, thence west to Short creek, said creek to be the line through Section 3 to the northern line of Section 3, thence north to northwest corner of Section 5, thence south to the beginning point, said district to embrace Sections 8, 9, 17, 16, and 10 in Etowah county, also to embrace Sections 5, 4 and part of Section 3 in Marshall county.

Repeal

Sec. 2. Be it further enacted, That all laws in conflict with Section 1 of this act be, and the same are hereby repealed.

Approved February 21st, 1899.

No. 677)

AN ACT

(H. 662)

To create a separate school district in DeKalb County, known as the Bethel School District, and to provide for the maintenance of the same.

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district in DeKalb county, be and the same is hereby established to be known as the Bethel school district, and described as follows, to-wit: "Beginning at the county line between DeKalb and Cherokee counties, thence with Johnney's creek to the center of Section 24, Township 8, Range 8. Thence north to Bear creek, a southeasterly direction to Little river, thence with Little River to county line, thence with county line to beginning." School district

Sec. 2. Be it further enacted, That said district shall receive its pro rata share of all funds raised or appropriated by the State for public schools, and shall also receive its pro rata of the sixteenth section interest accruing to the townships, from which said district is taken, and it shall receive all poll tax which may be collected from the residents of said district, and all funds that may be donated to said district, and said district shall be managed and controlled as prescribed by law for township and other school districts in said DeKalb county, Alabama. School funds

Approved February 21st, 1899.

No. 678)

AN ACT

(H. 746)

To prohibit the manufacturing of vinous, spirituous or malt liquors, or to sell, give away or otherwise disposing of vinous, spirituous or malt liquors, or other intoxicating beverages, within six miles of Union Hill Baptist Church, in Beat 17, in Henry County.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this Prohibition

act, it shall be unlawful for any person, firm or corporation to manufacture vinous, spirituous or malt liquors, or sell, give away or otherwise dispose of vinous, spirituous or malt liquors or other intoxicating beverages within six miles of Union Hill Baptist Church, in Beat 17, in Henry county.

Penalty

Sec. 2. Be it further enacted, That any person, firm or corporation who violates any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than five hundred dollars, provided nothing in this act shall prohibit the use of wine for sacramental purposes or prohibit physicians in their regular practice from prescribing and giving to their patients when in their opinion the same is necessary; provided further, that this act shall not be so construed as to prohibit the manufacture of wines by persons within said territory from fruits grown on his own premises.

Approved February 21st, 1899.

No. 680)

JOINT RESOLUTION

Relating to the mileage and per diem of J. R. Daves, member of the House from Winston County.

Whereas, the House of Representatives, by unanimous vote, has heretofore decided that J. R. Daves was duly elected a member of said House from the County of Winston at the August election 1898;

And, Whereas, by the fraudulent manipulation and changing of the returns of said election in said county, the certificate of election was wrongfully given to A. S. Palmer, thereby depriving said J. R. Daves of the rights, privileges and emoluments of said office, and he was compelled at great cost and inconvenience to contest said election.

Appropriation

Therefore, be it resolved by the General Assembly of Alabama, That the auditor be, and he is hereby authorized and directed to draw his warrant on the treasurer in favor of said J. R. Daves for the full

amount of mileage and per diem to which he would be entitled as a member of the House of Representatives from and including the first day of the session thereof to January 28th, 1899, the date on which said Daves was declared to be a member of said House.

Approved February 21st, 1899.

No. 681)

AN ACT

(H. 918

To authorize the Court of County Commissioners of Shelby County to establish a depository for the public funds of said county.

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners of Shelby county be and is hereby authorized and empowered to establish and designate at the county site thereof a depository for the public funds of said county under such rules, regulations and terms as said Court of County Commissioners may prescribe not inconsistent with the provisions of this act. Depository

Sec. 2. Be it further enacted, That from and after the establishment of said depository the treasurer of said county shall deposit in said depository all the funds which come into his hands as such treasurer, which belong to the general fund thereof, and that in all cases where said treasurer is authorized and required to pay money out of said general fund, he shall pay it by check or order on said depository, without expense to said county. County treasurer

Sec. 3. Be it further enacted, That said Court of County Commissioners may require said depository or the owner thereof to pay interest on all deposits made by said treasurer, at a rate to be determined by said Court at the time of the appointment of said depository. Interest

Sec. 4. Be it further enacted, That said Court of County Commissioners shall require the owner of said depository to give bond, with good and sufficient sureties, which may be made by an indemnity Bond

corporation, authorized by its charter and the laws of the State to become surety on official bonds of the State, in such sum as said Court may determine, conditioned that said owner of said depository and said depository shall well and truly perform all duties required of them under this act, and shall faithfully receive, preserve and pay out all funds deposited in said depository under this act.

Repeal

Sec. 5. Be it further enacted, That all laws and parts of laws in conflict with this act, so far as they affect the same, be and the same are hereby repealed.

Approved February 21st, 1899.

No. 682)

AN ACT

(H. 955

To protect the public roads in Choctaw and Washington Counties, where private individuals cut ditches across the roads for the purpose of draining their farms.

Duty of land
owner

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of any person or persons owning lands in Choctaw and Washington counties, who cuts a ditch across the public roads for the purpose of draining such land to keep up such ditch and keep such ditch in good repair by keeping same well bridged.

Duty of
overseer

Sec. 2. Be it further enacted, That any person or persons cutting a ditch across the public road in Choctaw and Washington counties for the benefit of his lands, who fails to keep such ditch in good repair, and good bridges across the same for a period of three days, then it shall be the duty of such overseer of such road to fill up such ditch.

Penalty

Sec. 3. Be it further enacted, That any person or persons who has cut any ditch in Choctaw and Washington counties across the public road before the passage of this act shall be liable for the good repair of such ditch and shall keep the same bridged at their own expense, and if such person

fails to keep such ditch in good repair and bridged, if such ditch or bridge across such road is out of repair for a period of three days, it shall be the duty of such overseer to fill up such ditch, and if he fails to fill such ditch, such overseer shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars.

Sec. 4. Be it further enacted, That this law shall apply only to Choctaw and Washington counties.

Approved February 21st, 1899.

No. 683)

AN ACT

(H. 1260

To authorize and empower the minor children of W. T. Singley to receive from and receipt to the executor or administrator of the estate of J. A. Singley, deceased, any money or moneys due by him as such executor or administrator.

Section 1. Be it enacted by the General Assembly of Alabama, That the minor children of W. T. Singley be, and are, hereby authorized and empowered to receipt for and to the executor or administrator of John A. Singley, deceased, for any and all amounts and moneys that are or may be due them by such executor or administrator under the last will and testament of said J. A. Singley, deceased, and such receipts shall be a discharge and release of such executor or administrator from any further liability as such executor or administrator for the money or moneys so receipted for.

Authorizing
minors to
receipt

Approved February 21st, 1899.

No. 685)

AN ACT

(H. 1187

Authorizing the city council of Greenville, Butler County Alabama, to levy a license tax for the City of Greenville.

Section 1. Be it enacted by the General Assembly of Alabama, That the city council of Greenville,

License

Butler county, Alabama, shall have the authority to levy and collect annually the following license, in addition to the power and authority to assess, levy and collect taxes and license already given, as follows: Dealers in horses and mules, or either, other than livery stable men and merchants, not exceeding \$50; auctioneers of live stock, not exceeding \$50; cotton buyers, brokers, or factors, excepting licensed merchants, not exceeding \$50; bill posters, not exceeding \$10; pony and dog shows, each performance, \$10; any performance under a tent, other than a circus, menagerie, or pony and dog show, each performance, \$10; telephone exchange, \$50; for each cotton warehouse, \$50.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and are hereby repealed.

Approved February 21st, 1899.

No. 686)

AN ACT

(H. 1182

To fix the compensation of members of the Court of County Revenues of Dallas County.

Compensation

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act the members of said Court of County Revenues shall be entitled to four dollars (\$4.00) each per day for each day of actual service rendered, three cents per mile for traveling to and from the sitting of the Court, to be paid by the county treasurer on the certificate of the judge of the Court of Probate.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 21st, 1899.

No. 687)

AN ACT

(H. 1070)

To regulate the holding of Circuit Court in Washington County.

Section 1. Be it enacted by the General Assembly of Alabama, That the Circuit Court in the County of Washington, in the Thirteenth judicial circuit, shall be held on the first Monday in March and October, and may continue one week, but the judge of said Court may, when he deems it necessary continue said Court for two weeks. When he orders the Court to be held for two weeks, he shall make the order long enough before the Court convenes to enable the sheriff to summon the juries drawn for the second week, and no juries shall be summoned for the second week unless the judge orders that the Court be held for two weeks. If he does not order two weeks Court, the criminal docket shall be taken up at two o'clock on Wednesday of the first week.

May continue
two weeks

Sec. 2. Be it further enacted, That the provisions of this act shall not go into effect until after the spring term, 1899, of said Court.

Approved February 21st, 1899.

No. 688)

AN ACT

(H. 1076)

To relieve Amariah B. Faust of Dale County, Alabama, of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That Amariah B. Faust, a minor nineteen years of age, residing in Dale county, Alabama, be, and he is hereby relieved from the disabilities of non-age, and is hereby vested with the right to sue and be sued, to contract and be contracted with, to buy, sell and convey real and personal property, and generally to do and perform all acts which such minor could lawfully do, if twenty-one years of age.

Relief

Approved February 21st, 1899.

No. 689)

AN ACT

(H. 573)

To define the territorial jurisdiction of notaries public and ex-officio justices of the peace in Clarke County.

Jurisdiction

Section 1. Be it enacted by the General Assembly of Alabama, That the territorial jurisdiction of notaries public and ex-officio justices of the peace shall be the same as justices of the peace in Clarke county, Alabama.

Approved February 21st, 1899.

No. 691)

AN ACT

(H. 1104)

To authorize and empower the assistant solicitor employed by the solicitor for Jefferson County to attend upon the sittings of the grand juries of the Criminal Court of said county, to advise them in relation to matters of law, and examine and swear witnesses before them.

Assistant
solicitors

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage and approval of this act, the assistant solicitor for Jefferson county, appointed by the solicitor for Jefferson county, be and he is hereby authorized to attend upon the sittings of the grand juries of the Criminal Court of said county, to advise them in relation to matters of law, and examine and swear witnesses before them.

Approved February 21st, 1899.

No. 692)

AN ACT

(H. 1065)

To permit and provide for the legal voters of Limestone County to decide by vote whether or not they will abolish "An act to create the office of cotton weigher of Limestone County, to provide for filling the same, and to prescribe the duties and compensation thereof," approved February 28th, 1889.

Section 1. Be it enacted by the General Assembly of Alabama, That at the next regular election of county cotton weigher in Limestone county there shall be printed on the ticket or ballot just beneath the name of the last candidate for the office of county cotton weigher the words "against cotton weigher." Form of
ballot

Sec. 2. Be it further enacted, That any legal voter in Limestone county favoring the abolition of the office of cotton weigher in said county may vote "against cotton weigher" in the same manner as for a candidate for said office. Election

Sec. 3. Be it further enacted, That if a majority of the legal ballots cast for the candidates for cotton weigher and "against cotton weigher," be cast "against cotton weigher," "An act to create the office of cotton weigher of Limestone county to provide for filling the same and to prescribe the duties and compensation thereof," approved February 28th, 1889, be, and the same is hereby repealed; but if a minority of the legal ballots cast for the candidates for cotton weigher and "against cotton weigher" be cast "against cotton weigher," then said act shall remain in force and the candidate of said office receiving the plurality of votes shall be declared county cotton weigher for that term. Result; effect
of

Approved February 21st, 1899.

No. 693)

AN ACT

(H. 1072)

To repeal an act entitled "An act to increase the jurisdiction of justices of the peace in Dallas, Choctaw, Cherokee, Sumter, Autauga, Perry, St. Clair, Russell, Barbour, Jackson, Washington, Greene, Morgan, and Marengo Counties, so far as the same relates to Washington County.

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "An act to increase the jurisdiction of justices of the peace in Dallas, Choctaw, Cherokee, Sumter, Autauga, Perry, St. Clair, Russell, Barbour, Jackson, Washington, Greene, Morgan and Marengo counties," approved February 10th, 1883, be and the same is hereby repealed so far as the same relates to the County of Washington.

Approved February 21st, 1899.

No. 694)

AN ACT

(H. 857)

To relieve Clara V. Marbury of the disabilities of non-age.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That Clara V. Marbury, a minor under the age of eighteen years, residing in Autauga county, Alabama, be, and is hereby relieved of the disabilities of non-age, and is hereby invested with the power, to contract and be contracted with, to sue and be sued, to buy, sell and convey real estate, and generally to do and perform any and all acts which she could lawfully do if twenty-one years of age.

Approved February 21st, 1899.

No. 695)

AN ACT

(H. 1284

To authorize an election in Limestone County to determine whether or not one hundred thousand (\$100,000) dollars worth of bonds shall be issued for the purpose of building pike or macadamized roads in said county, and to authorize the issue of said bonds by the Commissioners Court: Provided, A majority of the legal voters voting in said election vote for the bond issue.

Section 1. Be it enacted by the General Assembly of Alabama, That there shall be an election held in the County of Limestone on the 15th of July, 1899, of the qualified voters of said county, and all persons at said time who are qualified voters under the general election laws of the State of Alabama, shall be entitled to vote at said election. Such election shall be ordered, held and governed under the general election law of the State in force at the time, except that the compensation of the election officers shall be only one half of the amount paid in general elections: Provided, That both those opposed to and those in favor of the bond issue shall be represented on the returning boards and on the different boards of inspection. Election

Sec. 2. Be it further enacted, That at said election those who desire to vote for the issuance of said bonds and the construction of pike or macadamized roads in pursuance of the provisions of this act, shall on the day of said election deposit their ballot with the words "for bonds" written or printed, or partly written or printed thereon; and those who desire to vote against the issuance of said bonds, and the construction of said roads in pursuance of the provisions of this act, shall deposit their ballot with the words "Against bonds" written or printed or partly written and partly printed thereon. When the ballot so cast are counted, and returned by the board of supervisors or inspectors, as is required by law for general elections at said time, the result of such election shall be Form of ballots

declared by the officers as in general elections, and by the Court of Commissioners spread upon the minutes of said Court, and also upon the records of the Probate Court of said county, as a part of the record thereof.

Result

Sec. 3. Be it further enacted, That if the result of said election shall be in favor of issuing said bonds for the purpose of building roads as herein provided, such result to be determined by a majority of votes cast at said election, then the Court of County Commissioners of Limestone county shall proceed at once to carry out and execute the provisions of this act as herein provided for the issuance and negotiation of said bonds, and the road commissioners hereinafter provided for shall proceed to build and construct said roads as provided in this act; but if the majority of the legal voters voting in said election cast their ballots "against bonds" then the provisions of this act shall not be in force further.

Bonds

Sec. 4. Be it further enacted, That if a majority of the legal voters voting in said election cast their ballots "for bonds," upon the result being declared, Limestone county, by and through its Court of County Commissioners is hereby authorized to issue and sell bonds of said county, to be hereinafter described to build and construct turn-pike or macadamized roads within the limits of said county.

Road commissioners

Sec. 5. Be it further enacted, That the following named persons, citizens of said county, viz: Jas. E. Horton, F. R. Daly, W. N. Richardson, Sim Corder and Theo. Westmoreland, are hereby constituted road commissioners for Limestone county, whose term of office shall commence immediately after the bonds herein mentioned are sold and the proceeds thereof paid into the office of the county treasurer, as hereinafter provided, and continue until the completion of said work on said roads. Said road commissioners shall before entering upon the duties of said office take an oath before some qualified officer faithfully and fully to perform their duties as such road commissioners, and not to become interested in any manner, either directly or indirect-

ly, in any contract for work upon said roads. Said road commissioners shall also before entering upon the duties of said offices as hereinafter set forth, each execute a bond, such as may be required by the Court of County Commissioners: Provided, That it shall in no case be less than ten thousand (\$10,000) dollars nor more than fifty thousand (\$50,000) dollars, with good and sufficient sureties, payable to the County of Limestone, conditioned for the faithful performance of their duties as such road commissioners, and for the faithful accounting by them of all moneys received and disbursed in connection with said office, and building and constructing said roads. Said bonds shall be approved by the county commissioners of said county, if the principal and sureties thereon are not deemed by him worth said sum, over and above all exemptions, and when so approved shall be filed in the office of the Circuit clerk of said county. Should said road commissioners, or any of them, fail or refuse to act as such, or die or remove from the county, or refuse to take the oath or to execute the bond, hereinbefore provided for, then such fact shall be judge of said county, and the governor shall thereupon fill such vacancy by appointment from the commissioners district in which such vacancy occurred. Said road commissioners shall receive two and fifty-one hundredths (\$2.50) dollars per day during actual service: Provided, That no one of (\$150) dollars during any one year.

Road Com-
missioners

Sec. 6. Be it further enacted, That if a majority of the voters voting in the election above provided for cast their ballots "for bonds" then the Court of County Commissioners of Limestone county be and is authorized and empowered to issue bonds of said county to the amount of one hundred thousand (\$100,000) dollars, the proceeds of the sale of which shall be applied exclusively to the work of building and constructing turnpike or macadamized roads in said county; that said bonds shall all be sold at one and the same time, and the said Court of County Commissioners shall be entrusted with the duty of having designated and prepared the said bonds,

Bonds

Bonds

and selling the same; that said bonds shall be one hundred in number, and for one thousand (\$1,000) dollars each, and shall be numbered from one to one hundred consecutively; that said bonds shall be made due and payable at the expiration of thirty-five years from their date, the interest to be not more than five (5 per cent) per annum, to be paid semi-annually on the first day of January and on the first day of July, and evidenced by coupons attached to said bonds; that said bonds shall be made negotiable and payable, both principal and coupons, at some banking or bond house in the Town of Athens, Alabama, or in the City of New, York, State of New York; that said bonds shall be sold and negotiated for the highest price that the said Court of County Commissioners can obtain therefor, not less than their face value; that said bonds shall be signed by the probate judge of said county with the seal of said office attached, the coupons attached to each bond to bear the number of the bond to which they are attached, and to be signed by the treasurer of said county, and to be made payable at the place designated for the payment of the principal thereof. The proceeds of said bonds as the same are sold, shall be paid to the treasurer of said county whose duty it shall be to receive the same, and to keep all such proceeds as a separate fund called the "road fund," to be paid out as hereinafter provided. At the expiration of ten years from the date of the issue of said bonds, the said Court of County Commissioners shall provide a sinking fund of four thousand (\$4,000) dollars per year for the payment of the principal of said indebtedness at the maturity thereof, said sinking fund to be invested in absolutely good securities, as the same is collected, said securities to be approved by the entire Court of County Commissioners. Said sinking fund shall cease to be provided, whenever the sinking fund, principal and interest has become sufficient to pay the principal of said bonds.

Sec. 7. Be it further enacted, That said county treasurer shall manage and make report of said

funds as required of him by law in reference to the general funds of the county, but said accounts and reports of said "road fund" shall be kept separate from the general funds of the county and separate from other separate funds. Before any of the money arising from the proceeds of the sale of the said bonds shall be paid over to the treasurer of said county, he shall give such additional bond as the Court of County Commissioners shall deem proper to require to protect with safety the money arising from the sale of said bonds provided for by this act; but in no event shall said additional bonds be less than fifteen thousand (\$15,000) dollars nor more than fifty thousand (\$50,000) dollars and said additional bond must be approved by the circuit judge of that circuit. Said treasurer shall receive as a compensation for his services one-fourth of one per cent. on all of said money paid out by him, and shall not be entitled to any other fees or compensation for receiving or handling said money, or for keeping accounts or making reports in relation thereto. Said treasurer shall pay out said money arising from the proceeds of the sale of said bonds only upon order or draft upon him drawn and signed by each and all of the said road commissioners hereinbefore mentioned; said orders or drafts shall specify particularly, item by item, for what the same are given, and shall be safely kept and recorded by said treasurer. Said treasurer shall deposit the proceeds of said bonds in such bank or banking company as he may select, with the approval of the Court of County Commissioners: Provided, The said bank or banking company can secure him well against loss, and said treasurer shall have the assistance of counsel employed by said road commissioners, should counsel be employed, to assist him in preparing such papers as he may desire to secure him properly in the care of such "road fund."

County
treasurer

Sec. 8. Be it further enacted, That the moneys arising from the proceeds of the sale of said bonds shall be expended on the public roads of the county, within the limits thereof, without favor or partial-

Expenditures

ity to any one section, and so as to secure the greatest benefit to the entire county.

Contracts

Sec. 9. Be it further enacted, That said road commissioners shall make all contracts in reference to the building or constructing of said roads and they shall build the same in the manner which they deem to be the best and most expedient. Said contracts must be signed by each and all of the road commissioners. They shall employ all labor and stipulate for all details, and shall do all things necessary for the carrying out of the provisions and intent of this act, so as to secure the best possible results from the expenditure of the funds arising from the sale of bonds provided for in this act.

Taxation
exempt from

Sec. 10. Be it further enacted, That the bonds issued under the provisions of this act shall be exempt from all taxation by the County of Limestone, or by municipal corporation now or hereafter organized within the County of Limestone, State of Alabama.

Publications

Sec. 11. Be it further enacted, That it shall be the duty of the Court of County Commissioners of said county to make semi-annual publications during the last week in January and July of each year, until all of said road fund shall have been disbursed showing the amount received from the sale of said bonds, and how and for what the same has been paid out, and the balance on hand. After the expiration of ten years from the date of the issue of said bonds said Court of County Commissioners shall also make semi-annual publications during the last week of January and July of each year, until the principal of said bonds shall have been paid, showing what amount has been raised on the sinking fund hereinbefore provided for, how the same has been invested, what securities have been taken, the total amount of said sinking fund, which has been raised, and realized by interest on the investment thereof at the time of each semi-annual report. The said reports provided for in this section shall be by publication in some newspaper published in the County of Limestone for one insertion.

Sec. 12. Be it further enacted, That said sinking fund hereinbefore provided for shall be kept by said Court of County Commissioners as a separate fund. Sinking fund

Sec. 13. Be it further enacted, That said road commissioners are authorized to employ, whenever they deem proper, a good and competent civil engineer, to assist in the proper construction of said roads, and also to employ counsel to prepare contracts, act as advisor or do any other legal work which said road commissioners may wish done in their official capacity; said engineer and said counsel to be paid out of said "road fund" by order on the county treasurer, signed by said road commissioners. Said road commissioners shall from time to time inspect the building and construction of said roads without previous notice to the contractor or workmen of such inspection, and shall maintain a strict supervision of said work. Engineer

Sec. 14. Be it further enacted, That no money from the "road fund" shall be paid out on any contract until the work done has been formally accepted by the road commissioners. No road or section of roads shall be accepted until it has been critically examined by the road commissioners in company with a competent civil engineer or road expert, employed by the road commissioners and declared by them to be properly built under the contract and to come up to the plans and specifications stipulated for in the contract. Payments

Sec. 15. Be it further enacted, That said "road commissioners shall build and construct all of said roads by letting the same by contract to the lowest responsible bidder, but before letting said contract, said "road commissioners" shall advertise for thirty days in at least one newspaper published in said county, and in such other manner as they see fit, for sealed proposals to build said roads, or a part thereof, with the privilege of accepting or rejecting the same. If any of the said bids are accepted said road commissioners are required to contract with the contractors in writing which contracts shall be signed by said contractor, and the County of Lime- Advertising and bids

Advertising
and bids

stone by said "road commissioners," who are authorized to contract for said county for the construction of said roads, provided said county will not be liable for the payment of amount of said contracts except out of said road fund. Said "road commissioners" shall have said contractor to deliver to them before work is commenced on any of said roads, a bond in such sum as said road commissioners may determine and in no case to be less than the amount of the contract payable to the County of Limestone, conditioned for the faithful performance of said contract within the time specified therein in a first class condition and skillful and workmanlike manner and according to the plans and specifications which shall be set out in the contract. Said bonds to be approved by said commissioners, but not until they are satisfied that the sureties thereon not less than three, are sufficient to secure said county should the principal thereon fail to comply with said contract, Said contract with the bond of said contractors shall be filed with circuit clerk of said county.

Approved February 21st, 1899.

No. 696)

AN ACT

(H. 1300

To authorize the Commissioners Court of Greene County to divide said county into road precincts, and to appoint and employ road overseers to have supervision of the public roads in said county, and to direct and prescribe the duties of said overseers, and to provide for paying said overseers, and to define the duties of such overseers, and to authorize the Commissioners Court of Greene County to purchase for said county necessary tools, road machines, implements and plows to be used for repairing, working and improving the public roads in said Greene County, and to provide for the improvement of the public roads in Greene County.

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commis-

sioners of Greene county, at the regular April term of said Court, commencing on the first Monday in April, 1899, is hereby authorized to and must divide said Greene county into twelve road precincts, each of said road precincts respectively to be of the same dimensions and of the same limit and boundaries as the present election precincts as now established in said Greene county. That the Commissioners Court of Greene county, at said regular April term 1899 of said Court, may employ for each road precinct so established in said county, such number of road overseers not less than two nor exceeding four for each of such road precincts, as such Court may deem proper, the term of such overseers to expire on the second Monday of November, 1899.

Road pre-
cincts

Sec. 2. Be it further enacted, That in the event any public road in said Greene county is on the line between any road precinct, as established under the provisions of this act, then that said line road shall be by such Commissioners Court assigned to such overseer as such Court may designate or deem proper, and it is hereby made the duty of the overseer to whom such road is by such Court assigned, in all respects to attend to, work and repair such road as provided by this act as to all other roads in said county.

Line roads

Sec. 3. Be it further enacted, That the terms of the overseers employed or appointed by such Court at the April term of 1899 of such Court shall terminate on the second Monday of November, 1899; and that the Commissioners Court of said Greene county, at the regular November term, 1899, of such Court, and at each regular November term every four years thereafter, shall appoint or employ for each road precinct so established in said county, under the provisions of this act, such number of road overseers not less than two nor more than four for each of said road precincts, as such Court may deem proper, and that the terms of the overseers employed or appointed at such November term shall be four years.

Overseers

Duties of
commission-
ers court

Sec. 4. Be it further enacted, That such Commissioners Court, at the April term, 1899 thereof, and at the regular November term, 1899, and at each regular November term every four years thereafter shall assign to each overseer so employed such roads, or such number of miles of road, in a precinct, as such Court may deem proper, to be worked, supervised and kept in good condition by such overseer; and such Court may furnish to each overseer so employed such tools, implements, machines and other things necessary for use and work on such public roads, as such Court may in its judgment think proper; and such Court shall require each overseer respectively to have the road or roads so assigned to him, and as to which he is employed as overseer, worked such number of days in each road year, not exceeding ten in one year, as is necessary to keep such road in good repair and as such Court may from time to time prescribe or direct; and such Court of County Commissioners may pay the overseers employed, or appointed, by it under the provisions of this act, such wages as such Court may deem proper, not however to exceed the sum or rate each of two dollars per day for each day of actual service rendered: Provided, That no overseer employed or appointed under the provisions of this act, shall receive or be entitled to pay for more than thirty days work in any one road year. And such Court of County Commissioners is hereby authorized and empowered to have general supervision and control of the public roads, and of the working of public roads in said Greene county, and may, from time to time, as it deems proper, make such rules and regulations prescribing the duties of such overseers and the manner of working and repairing the public roads in said county; and it is hereby made the duty of each and all overseers employed or appointed, under the provisions of this act, in all respects to execute and carry out the rules, regulations and directions of said Commissioners Court as to the duties of such overseers, and as to working the public roads of such county; and such Commissioners Court is hereby authorized

and empowered to discharge any overseer so employed, or appointed, who fails to do his duty as such overseer, or who fails to execute and carry out the rules, regulations and directions of such Commissioners Court as to working and repairing such public roads assigned to or as to which he as such overseer has been employed: Provided, That the judge of probate of said Greene county, on complaint of any taxpayer being made to him in writing and under oath, that any overseer employed or appointed, under the provisions of this act, has failed to perform his duty as such overseer, that said judge of probate shall in writing issue a citation, directed to such overseer, against whom such complaint is made, citing him to appear before the next regular term of such Commissioners Court of said county, if he sees proper, to answer or be present on an investigation of such complaint by such Commissioners Court, and such Court, at its next regular term after the issuance of such citation, shall determine as to whether it will discharge such overseer, and in the event of his being discharged, such Court shall appoint his successor to fill out the unexpired term of such discharged overseer. That in the event any overseer appointed or employed under the provisions of this act dies, or moves out of said Greene county, or resigns, and his resignation is accepted by said Commissioners Court, then said Court shall appoint, or employ, his successor, who shall fill out the unexpired term of such deceased, removed or resigned overseer.

Duties of
commission-
ers court

Sec. 5. Be it further enacted, That said overseers appointed or employed under the provisions of this act, shall be, by said Commissioners Court, required to receipt to the judge of probate of said Greene county for the different tools, implements, machines or other property belonging to said county that may come into his possession, and he shall be required to preserve and take good care of all tools, implements, road machines and other property of said county that may come into his possession, and to return the same to said county or the

Overseers

Overseers

probate judge thereof, in good condition, wear and tear excepted, at the expiration of his service.

Sec. 6. Be it further enacted, That the Commissioners Court of Greene county, are hereby authorized, empowered and instructed to purchase for said county the necessary tools, road machines, implements and plows, as said court may deem necessary, to be used for repairing, working and improving the public roads in said Greene county, provided, that the total amount expended in any one road year for such tools, road machines, implements and plows shall not exceed the sum of nine hundred dollars.

Sec. 8. Be it further enacted, That nothing in County Commissioners of Greene county, is hereby invested with the general superintendence and supervision of the public roads in said county, and that said court may establish new, and change, and discontinue old roads, in the manner as now provided by the statutes of this State.

Sec. 8. Be it further enacted, That nothing in this act contained shall affect or impair the appointment, authority or duties of road apportioners in said Greene county, as now provided for under the general statutes of this State; and that the road apportioners in said county, shall within fifteen days after the adjournment of the April term, 1899 of the Commissioners Court of said Greene county, furnish to the overseers appointed, or employed, by said Court at April term, a list of the hands apportioned by them to each road in their road precinct.

Sec. 9. Be it further enacted, That it shall be the duty of the overseers appointed or employed, under the provisions of this act, in said Greene county, to perform the following services or duties, namely: 1. To execute, perform and carry out all rules, directions, regulations or instructions given them by the Commissioners court of said Greene county. 2. On the apportioners failing to furnish a list of persons and hands, within the time prescribed, to apply for, and, if possible, obtain the same. 3. To call out the persons and hands subject to work on their road precinct at their dis-

cretion, and to work with the same ten days in the year, if such number of days' work is necessary to keep their precinct in good repair, provided however, that no road hand, or worker, may be required to work on more roads than one, and that such road hand, or worker, must not be called out to work the road during the months of May, June, September and October, except for the purpose of doing some work of pressing necessity, such as removing an obstruction from the road, or repairing a bridge, or doing some other thing of like kind, and the road workers or hands, may be called to do this work of necessity without previous notice; 4. To measure, within three months after being notified of their appointment, their respective precincts in continuation, and to set up, at the end of each mile, neat and permanent mile posts, marked with the number of miles to the court house or other noted place to which the road leads: 5. Where the road in their precinct forks or turns out, or crosses another public road, to erect within the same index boards, with proper directions, pointing toward the place to which such turn out, fork, or cross road leads. 6. To build bridges and cause ways whenever the same are necessary, unless the Court of County Commissioners deem it expedient to have the same built by contract. 7. Where a space is left on the continuation of the same road between two precincts in the same county, or on the county line in different counties, to unite with the overseer on the other side of such space, and his hands, either in working such intermediate space, or in building the bridges and cause-ways necessary to bring the two precincts together: 8. To report to the grand jury any apportioner in any road precinct in which his road, or any portion of the same is situated, who fails to discharge any of his duties. 9. To prosecute all defaulters for not working on roads, as hereinafter provided. 10. To keep the ford of the stream in order, if deemed practicable by the apportioners of the precinct, when any bridge has fallen down or become dangerous. 11.

Overseers

When toll bridges on public roads are constructed across water courses, to keep open and in good condition the existing fords at such crossings, and the land entrance thereto on either side of the same. 12. To cause to be built or erected, and to keep in repair, proper and suitable dirt embankments or approaches to the bridges on the public roads of said Greene county that have been erected by contract with said county, where it is practicable to erect said dirt approaches or embankments. 13. To perform such other duties as are, or may be, required of them by law.

Sec's. of code
continued
in force

Sec. 10. Be it further enacted, That the following sections of the Code of Alabama, in relation to public roads, are not repealed by this act, but are continued in force in Greene county, namely: Sections 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494 and 2495, and all laws contained in the Criminal Code of Alabama relating to the public roads, not in conflict with this act.

Repeal as to
county

Sec. 11. Be it further enacted, That the following sections of the Code of Alabama in relation to public roads are hereby repealed, so far as the same relate to, or concerns Greene county, namely: Sections 2457, and Section 2470, and that so much of Section 2454 of the Code of Alabama, as authorizes apportioners to appoint overseers, be, and the same is hereby repealed, in so far as the same relates to or concerns Greene county.

Approved February 21st, 1899.

No. 697)

AN ACT

(H. 1320

To incorporate the Town of Pickett Springs, in the County of Montgomery.

Section 1. Be it enacted by the General Assembly of Alabama, That the Town of Pickett Springs, in

the County of Montgomery, be, and the same is hereby incorporated; that the corporate limits of said town shall include the territory described as follows, to-wit: The east half (E. $\frac{1}{2}$) of Section twenty-nine (29), Township seventeen (17), Range eighteen (18), and that part of the southwest quarter (SW $\frac{1}{4}$) of Section twenty-nine (29) Township seventeen (17), Range eighteen (18), lying south of the right of way of the Western Railway of Alabama.

Sec. 2. Be it further enacted, That the officers of said town shall be a mayor, three councilmen, one marshal and one clerk, who shall also be treasurer, each of whom shall be resident citizens of the County of Montgomery, and who shall be elected by the qualified electors of said town on the first Saturday in May of each and every year, and shall hold their offices until the election and qualification of their successors in office.

Sec. 3. Be it further enacted, That the first election for mayor, councilmen, marshal and clerk of said town shall be held on the first Saturday in May next, and be held according to the laws regulating elections in this State; the inspectors for the first election to be appointed by the sheriff of Montgomery county. Said inspectors shall hold such election and make returns within three days thereafter to the probate judge of Montgomery county, who shall, within five days from the time of such election, examine said returns and declare the result of such election.

Sec. 4. Be it further enacted, That all elections in said town for the officers thereof, after the one provided for in Section 3 of this act, shall be held on the first Saturday in May of each and every year by inspectors appointed for that purpose by the mayor and councilmen of said town, and such inspectors shall hold and manage such election in accordance with the laws of the State of Alabama, and shall make returns thereof within three days after such election to the mayor and councilmen of said town, whose duty it is made to examine such returns within five days after such election, and declare the result thereof.

Vacancies

Sec. 5. Be it further enacted, That in case of a vacancy in any of said offices, the vacancy shall be filled by the mayor and councilmen.

Oath

Sec. 6. Be it further enacted, That said officers before they enter upon their duties as such shall each take the oath prescribed for civil officers in this State, and the marshal shall be required to give bond in the sum of two hundred and fifty dollars, conditioned faithfully to discharge and execute the duties of his office, which bond must be approved by the mayor.

Mayor

Sec. 7. Be it further enacted, That the mayor shall attend and preside at all meetings of the council, and he is hereby invested with the power and authority to take jurisdiction of every violation of the laws and ordinances of said town and to try, convict and punish the person committing the same, such punishment not to extend beyond ten days in the town prison and the payment of the costs of the case, and a fine not to exceed one hundred dollars, one or both, at the discretion of the mayor, provided further, that the mayor's fees in every case shall be the same as those of justices of the peace, to be taxed as costs.

Attorney

Sec. 8. Be it further enacted, That the power and authority is hereby conferred upon the council of said town to elect annually an attorney therefor, whose duty it shall be to prosecute all defendants in the Mayor's Court for the violation of the laws and ordinances of said town, and whose compensation shall be fixed by the council.

Powers

Sec. 9. Be it further enacted, That the said corporation shall have the power to pass and ordain all such ordinances, by-laws and resolutions as they may deem for the best interests of said town, which ordinances shall be published by posting a copy thereof in some conspicuous place in said town. The mayor and council shall have the right to tax, license and restrain and regulate the sale of vinous or spirituous liquors, whether by retail or wholesale. in the corporation; to license and tax markets, billiard tables, base ball parks, race tracks and any other business; to keep in repair all neces-

sary streets, alleys and drainage, and to levy and collect taxes on all property in the town.

Sec. 10. Be it further enacted, That the clerk of said town is hereby authorized and empowered to collect all taxes, licenses, fines and forfeitures and other dues which may be owing to the town, and to make annual assessments of the licenses and taxes authorized by this act. Taxes

Sec. 11. Be it further enacted, That the marshal shall have authority, without warrant, to arrest all offenders breaking the peace or violating any ordinance or law of the town, bring them before the mayor, and to execute, by levy and sale if necessary, all processes issued by the clerk for the collection of licenses, taxes, forfeitures and other dues owing to said town. Marshal

Sec. 12. Be it further enacted, That the marshal shall be entitled to two dollars for each arrest made, in case the party is convicted, and it shall be the duty of any citizen of said town when called upon, to assist the marshal in making an arrest, and in case the citizens so called upon shall refuse, he shall be subject to a fine of not more than twenty-five dollars, to be determined by the mayor. Fee

Sec. 13. Be it further enacted, That no person residing within the limits of said corporation shall be required to do road duty outside of said corporation, and the officers of the said corporation are hereby clothed with power and authority to do any and every act necessary to carry into full force and effect the provisions hereof. Road duty

Approved February 23d, 1899.

No. 698)

AN ACT

(H. 1388

To establish a new charter for the Town of Woodlawn, in the County of Jefferson, State of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants residing within the boundaries hereinafter designated are hereby Name, rights,
powers, etc

incorporated and constituted a body politic and corporate under the name of Woodlawn, and by that name may sue and be sued, receive and grant, and do all such acts as natural persons may within the powers herein granted and conferred, and may purchase and hold property, real and personal, for municipal purposes, and may have and use a corporate seal, that may be changed or altered at pleasure.

Boundaries

Sec. 2. Be it further enacted, That the corporate limits of said Woodlawn shall be, and the municipality of Woodlawn shall be included in the following boundaries, to-wit: Commencing at a point on the north and south division line on the northwest quarter of Section 22, Township 17, Range 2, west, where the old East Birmingham dummy line right of way crosses said line; thence northwest along the northeast side of said dummy line right of way to Branch street, thence northwest along the northeast side of said Branch street and said right of way to the intersection of Fourth avenue of the W. J. Vann's survey; thence southeast along the south side of the said Fourth avenue to the intersection of Cedar street; thence along the south side of the said Cedar street to the intersection of the said dummy line right of way; thence west along the south side of the said right of way to intersection of north and south line between Sections 20 and 21, Township 17, Range 2, west; thence south along the said section line to the corner of Section 20 and 21, 28 and 29, Township 17, Range 2, west; thence east along line between Sections 21 and 28, to the corner of Section 21, 22, 27 and 28, Township 17, Range 2, west; thence north along the line between Sections 21 and 22 one half mile; thence east one-quarter of a mile to the north and south division line of the northwest quarter of Section 22; thence north along the said division line

Election

Sec. 3. Be it further enacted, That the government of said municipality, and the corporate powers shall be exercised by a mayor and seven aldermen, who shall be elected as hereinafter provided, on the first Tuesday in July, 1899, and every two

years thereafter by ballot, by the male inhabitants of said town entitled to register and vote under the laws of this State, and who have resided therein for three next preceding such election, and that said mayor and aldermen so elected shall be duly sworn into office by any officer authorized to administer oaths on the second Tuesday following of July. That the appointment of managers and all officers of the election shall be left to ordinances of the town, but shall as nearly as practicable be the same officers as under the State election law. In all election where there is a tie between two persons voted for, where only one can fill the office to be filled, the election must be decided by a majority vote of the mayor and aldermen. At all elections under this act it is the duty of the managers to challenge any person offering to vote who they or either of them know or suspect not to be a qualified elector. The person so challenged may be examined under oath by the managers as to his qualifications and the managers may examine other persons under oath, touching his qualifications. In all such cases the managers are authorized to administer the oath, and when proof is taken may receive or reject the ballot.

Registration

Time of
election

Tie

Challenge

Sec. 4. Be it further enacted, That any person who obtains registration when he is not entitled, in his own name or in the name of another or in an assumed name, and thereby casts a vote or who shall swear falsely when challenged or who having once voted at such election, votes a second time, or who shall aid another person not entitled to register and vote, to vote at such election, shall in each and every such case be guilty of a felony, and shall on conviction be punished by imprisonment in the penitentiary for not less than one year nor more than two years.

Illegal regis-
tering or
voting a
felony

Sec. 5. Be it further enacted, That before entering upon their duties as such, the mayor and aldermen shall each take an oath to support the Constitution and the laws of the United States, and to support and obey the Constitution and laws of the State of Alabama, and of the Town of Woodlawn,

Oath of
office

and to discharge their duties respectively as such mayor and aldermen. Said oath to be administered by any officer authorized to administer oaths. A majority of the board of aldermen shall be required to transact any corporate business, may adopt such rules of procedure as may be necessary for the transaction of business, may fine its members for absence or disorderly behavior and may fill all vacancies of the board that may occur from any cause. The mayor when present shall preside at all meetings of the board and cast the deciding vote in all cases of a tie in the board. When absent, the aldermen present may elect one of their number to fill his place. In case of the office of mayor becoming vacant, the aldermen may elect a mayor to fill the vacancy for the unexpired term. The mayor may call a meeting of the board when the interest on the municipality requires it. The board shall meet at least once a month for the transaction of business.

Quorum

Vacancies

Duties of mayor

Bond

Sec. 6. Be it further enacted, That the mayor or in his absence, any alderman, shall hear and determine all cases of violations of the by-laws or ordinances, or of the charter of said Woodlawn, and punish offenders in such manner, as may be prescribed by such by-laws and ordinances, and shall receive such fees or salary, or both, as the board may prescribe. The mayor shall have and possess within the corporate limits of Woodlawn, all the powers and jurisdiction, both civil and criminal, of a justice of the peace, and shall be subject to all corresponding duties and liabilities of a justice of the peace, and before acting as a justice of the peace must give a bond as other justices of the peace. Before entering upon his duties as mayor, he shall give bond, to be approved by the chairman of the finance committee, after having been authorized to do so by resolution of the board. Bond by guarantee company preferred. Said bond to be for the sum of one thousand dollars, and payable to Woodlawn, and conditioned for the faithful performance of his duties as mayor. From any judgment of the mayor rendered in case of

violation of any municipal ordinance or by-law, an appeal will be allowed if taken within five days thereafter, to the present or next term of the Circuit Court, upon the defendant entering into bond with surety, to be approved by the mayor, payable to said Woodlawn, for such sum as the mayor may require, not less than double the fine and cost, and conditioned to prosecute such appeal to effect, and to pay such judgment as the Appellate Court may render in such case. In case the appellant make default, the Appellate Court may affirm the judgment of the mayor, and render judgment against the defendant and his sureties on the appeal bond, for the amount imposed by the mayor, and cost of the appeal. In case the defendant appears to prosecute his appeal the trial shall be de novo, and if judgment be rendered against the defendant for money, the Court must also render judgment against the sureties on the appeal bond for the amount of said judgment, and the cost of the appeal, and in addition thereto if the judgment be for imprisonment or hard labor, the defendant shall be remanded to the municipal authorities of Woodlawn for punishment. When the judgment of the Court shall be only imprisonment or hard labor, then the Court shall render judgment against the defendant, and the sureties upon the appeal bond for cost of the appeal, and for cost imposed by the mayor. The mayor or aldermen acting as mayor, shall have power when so authorized by ordinance, upon the trial of offenders, to impose fines, imprisonment, or hard labor on the streets. In all cases when a person is accused of a violation of any ordinance, he or she may give bail with surety for his or her appearance before the mayor for trial, and if he or she make default, the mayor may declare the bond forfeited, and enter judgment, after notice, against the defendant and his or her sureties for the amount of the bond or such sum as the circumstances of the case may authorize: Provided, That two returns of "not found" by the proper officer shall be equivalent to personal service.

Appeals

Trial on
appeal

Power of
mayor, as
fine and im-
prisonment

Sec. 7. Be it further enacted, That the mayor and aldermen of Woodlawn shall have full power

Powers

to adopt and enact all by-laws and ordinances for the well being of the inhabitants of Woodlawn authorized by this act, and not in conflict with the Constitution and laws of the State of Alabama, and to affix appropriate penalties thereto by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the town, not exceeding thirty days. And all persons convicted of any breach of the by-laws or ordinances of said Woodlawn failing to pay such fine and cost may be imprisoned or placed at hard labor until such fine and cost are paid at the rates of fifty cents per day for a term not to exceed thirty days. To pass all ordinances, to prevent nuisances and to punish persons creating or allowing nuisances on their premises or elsewhere. To pass all laws necessary to prevent the introduction of contagious diseases into the town. To preserve health and to establish and regulate quarantine and pest houses. To maintain hospitals, and to provide for and keep up a cemetery. To license, tax and regulate theatricals and other amusements, circuses, menageries, shows and exhibits, for the sake of gain. From every person, firm or corporation conducting or carrying on any business, trade, occupation or profession within the corporate limits of Woodlawn, the mayor and aldermen are authorized to collect a license tax, the amount thereof to be, as far as may be, regulated by the volume of the business or trade, the value of the occupation or profession, and to enforce the collection of such license tax by penalties fixed by ordinance. All sums derived from license under the provisions of this section are hereby appropriated to the support and maintenance of the public schools within the corporate limits of Woodlawn. To restrain or prohibit all public gaming houses, houses of ill-fame, and to prevent and punish all violations of the criminal laws of the State of Alabama.

Marshal

Sec. 8. Be it further enacted, That the mayor and aldermen shall have authority to appoint a marshal or chief of police, and as many police as may be necessary for the good government of the

municipality. To divide the municipality into wards and increase the number of aldermen to eleven, whenever the board of aldermen shall deem proper to do so. To establish and regulate markets and market places and to enact laws for hearing said protest, if any, said board may con- the sale of meats, vegetables, and fruits within the corporate limits. To sink and regulate public wells, to establish, authorize water works, fire plugs, to make all needful provision for a supply of water, and issue bonds for the same as herein- after provided, to make all needful provision for the supply of gas, gas lights, electric lights and for lighting the streets. To establish fire limits, to make all necessary arrangements and provisions for the protection of property against fire, by suitable fire apparatus. To establish, open, control, regulate, repair, grade, pave and close streets and alleys; to establish, curb, grade and regulate sidewalks, and to construct sewers. To prevent the running at large of animals in the street, and to authorize the empounding of the same, and to prescribe the conditions upon which the same may run at large. To regulate and control the running of cars, locomotives and dummy engines or electric motors along and across the streets, and regulate the speed of the same, and regulate and control the grading, graveling or macadamizing in and around all railroads or dummy or electric or street car tracks running along or across any street or alley or avenue of said town; so that the same will not obstruct the free passage along or across the said track and of the same grade and of same quality or kind of the rest of the street, alley or avenue: Provided, However, that the said companies shall not be required to grade, gravel or macadamize said track further than three feet on both sides of the outer rails of said track. To enact all ordinances regulating the sale of wares and merchandise on the streets.

Wards

Gas and elec-
tric lightsStreet
railroads

Sec. 9. Be it further enacted, That the mayor and aldermen of Woodlawn shall have full power and authority to cause all streets, avenues or alleys

Sidewalks,
streets and
sewers

and other highways and sidewalks now established or hereafter to be established, to be graded, leveled, curbed, paved, slagged, macadamized, parked or otherwise improved, to be regraded, releveled, repaved, reslagged, reparked, or remacadamized, in such manner and with such materials as may be deemed best by the board of mayor and aldermen of said town, and to construct all storm, water and sanitary sewers as said board of mayor and aldermen may deem necessary, proper or expedient.

Assessment

Sec. 10. Be it further enacted, That before any work shall be done or any public improvement authorized by the preceding section, the cost of which it is proposed to assess against the property abutting on or benefited by said improvement, it shall be the duty of the board of mayor and aldermen, except in the case of mere repairs to the streets, avenues, alleys, sidewalks or sewers, to adopt an ordinance or resolution that said improvement be constructed, which ordinance or resolution shall state the general character of the improvement, and name the location and the terminal points thereof, and the streets, avenues or alleys or other highways, or routes, or parts thereof, along which it is to be constructed. Notice of the adoption of the said ordinance or resolution shall be given by publishing the same once a week for two successive weeks in some daily newspaper of general circulation published in the Town of Woodlawn, or by posting notices of same for ten days by posters in three public places in the town, which notice shall contain in addition to the ordinance or resolution, the estimated cost of said improvement, and shall name a time and place not earlier than twenty days from the date of the first publication, at which the board of mayor and aldermen shall meet to hear remonstrances or protests against the construction of said improvement. At said meeting, or at a time and place to which the same may be adjourned or called, all persons whose properties will be affected by said improvements, may appear in person or by

Notice

an attorney, or by a petition and protest, against the construction of said improvement, and after firm, modify, or rescind said ordinance or resolution. And if said contemplated improvement be storm-water sewer, said notice shall describe the territory or area to be drained by said sewer, by naming the streets, avenues or alleys or parts thereof, and other lines by which the territory to be drained is bounded.

Sec. 11. Be it further enacted, That if said improvement be finally ordered and constructed, the board of mayor and aldermen shall have the power and authority, after the completion and acceptance thereof, to assess the total expense of constructing said improvement, ~~upon or~~ against the several lots or parcels of land abutting the portion of the streets, avenues, or sidewalks improved, or so located as to be drained, or benefited by any sanitary sewer constructed, in proportion to the amount of benefit accruing to each, and all such assessments shall be and constitute a lien on the respective lots or parcels of land upon which they are levied superior to all other liens, except those of State and county for taxes. The enforcement by the State, or county, or town of its lien for taxes on any lot upon which has levied, as assessment for any improvement, authorized by this act, shall not operate to discharge, or in any manner, affect the town's lien for said assessment, but the purchaser, at a tax sale by the State, county or town of any lot, or parcel of land upon which such assessment has been levied, shall take the same subject to the lien of such assessment. Nor shall the enforcement by the town of its lien for assessment levied for one improvement by the sale of the property operate to discharge or in any way affect the lien of any other assessment for a different improvement on the same property, but the purchaser at such sale shall take subject to the lien of all other assessments, and the town's right to enforce said lien: Provided, However, that when the improvement consists of a storm-water sewer, the cost thereof shall be assessed against all the lots

Abutting
property

Taxes

or parcels of land lying within the territory drained and benefited by said sewer, in proportion to the amount of benefit accruing to each; provided further, that the cost of all improvement, except sewer improvement, upon streets, avenues, alleys or other highways, intersections shall be assessed against the lots abutting on the streets, avenues or alleys, or other highways, so intersecting for one half block in each direction, but in case the sidewalk improvements, including curbing, the entire cost of improvement, at the street and avenue corner intersection shall be assessed against the lot abutting on or nearest said improvement, and the entire cost of the improvement at the intersection of an alley with a street or avenue shall be assessed in fair proportion against the respective lots, abutting or cornering on the alley at said intersection: Provided, That the assessment of streets or avenue improvement shall not exceed one dollar per front foot of the abutting property.

Assessment
book

Sec. 12. Be it further enacted, That when the amount to be assessed against each lot or parcel of land for any improvement shall have been ascertained, the town engineer shall cause the same to be entered in a well bound book, prepared for the purpose, which shall show the names of the owners of the property assessed, if known, and opposite to each name, the description of each lot or parcel of land assessed, belonging to such owner, and the amount assessed against each, and shall contain appropriate columns in which payments may be credited, and the lien of the assessment mark "satisfied" by the proper officer of the town, and if the name of the owner of any property proposed to be assessed, be unknown, said book shall contain under the head of "owner unknown," a list of the property to be assessed, the owners of which are unknown. After the completion of the proper entries for each improvement, said book shall be delivered to the town clerk, who shall thereupon give notice by publication, twice a week for two successive weeks, in some daily newspaper of general circulation, published in the Town of

Woodlawn, that said book of assessment for public improvements has been delivered to him, and is open for inspection in his office, and that a time and place named therein, not less than twenty days from the date of first publication, the board of mayor and aldermen will meet to hear and determine any objection or defence that may be filed in his office by any owner of property proposed to be assessed against the assessment or the amount thereof. Said notice shall also state the general character of the improvement, the terminal points thereof, and the streets, avenues, alleys or other highways or portions thereof, along which it has been constructed, and if the improvement be a storm-water sewer, said notice shall also describe the territory or area drained or benefited by said sewer, by naming the streets, avenues or alleys or parts thereof, and other lines by which said territory or area is bounded. All persons whose property it is proposed to assess for the cost of said improvement, may, at any time, on or before the date named in said notice, and before said meeting, file in writing with the town clerk, or in his office, any objection or defense to the proposed assessment against his property, or to the amount thereof, and at a meeting on the date named, or on a meeting on any date to which said meeting may be adjourned or called, the said board of mayor and aldermen shall hear and determine said objection or defense, and after doing so, shall confirm, modify or set aside the assessment. If no objection or defense to the assessment or amount thereof are filed, or if the property owner fail to appear in person or by attorney and insist upon the same, the assessment shall be confirmed and made final.

Assessment
book

Sec. 13. Be it further enacted, That at the election of the property owner to be expressed by notifying the town treasurer in writing within thirty days after the assessment is made final of his desire to pay the assessment in installments, all assessments levied under and by virtue of this act, shall be payable in ten equal installments, and shall bear interest at the rate of 8 per cent. per annum,

Installments

Installments

due and payable as follows: Ten per cent. of the principal, together with all accrued interest from the unpaid assessment, one month after the date of the final assessment, and ten per cent. together with all accrued interest on the unpaid assessment at the end of each month after the maturity of the first installment, until the whole is paid, and if the property owner shall fail to so notify the town treasurer in writing within the time specified, the assessment against his property shall become due, and payable in cash within thirty days, from the date of the final assessment: Provided, however, that any person desiring to do so at any time may pay to the town treasurer the entire assessment against his property, with accrued interest thereon to the date of payment, and all lawful costs and charges, and such payment shall operate to discharge and release the lien of said assessment, or he may pay any one or more installments thereof at any time, and have the same credited on the assessment, and the lien discharged pro tanto; provided, further, that no interest shall be charged on assessment which may be paid up in full within thirty days after the assessment is made final. All assessments or installments thereof shall be payable to the town treasurer, whose duty it shall be to receive the same, and give proper receipts therefor, and enter the proper credit and satisfaction.

Upon default

Sec. 14. Be it further enacted, That upon default for the period of thirty days in the payment of the installments and interest, the board of mayor and aldermen may declare the entire unpaid assessment due and payable, and may order the lieu thereof foreclosed and collection enforced.

Bonds

Sec. 15. Be it further enacted, That after the construction of any improvement shall have been finally ordered, and the entire cost thereof estimated, the board of mayor and aldermen shall have the power and authority for the purpose of providing means to pay the expense of said improvement, to order the issuance of, and to issue and sell bonds to any amount, not to exceed the estimated cost of said improvement. Said bonds shall

be negotiable, payable to bearer, and shall have attached thereto coupons for the interest thereon, and shall be payable in lawful money of the United States, and be in such form as may be prescribed in the ordinance providing for the issue, but the board of mayor and aldermen shall have the authority to direct that said bonds shall be payable in gold coin. The bonds shall run for a period not exceeding five years, and bear interest at a rate not to exceed eight per cent. per annum, payable annually at such place or places as may be directed therein, and shall be in such denomination as the board of mayor and aldermen shall direct, not to exceed five hundred dollars each. They shall state on their face the general character of the improvement, to pay for which they shall be issued, the terminal points thereof, and the streets, avenues and alleys, or parts thereof, along which the improvement is to be constructed, and if the improvement be a storm-water sewer, they shall also describe the territory or area to be drained by said sewer, by naming the streets, avenues or alleys, or parts thereof, by which said territory or area is bounded. They shall be issued under the corporate seal of the Town of Woodlawn, and both bonds and coupons shall be signed by the mayor and clerk of said town: Provided, However, that the validity of said bonds shall be in no wise affected by reason of any defect in the form thereof, or any omission therefrom. The proceeds arising from the sale of said bonds or so much thereof as may be necessary shall be applied exclusively to the payment of the cost of the improvement, to pay for which the bonds were issued, but if there should be any surplus remaining after paying the costs of said improvements, the same shall be and become a part of the funds arising from the assessment and placed to the payment of said bonds, as hereinafter provided. But said board of mayor and aldermen may provide in the ordinance or resolution ordering any improvement to be constructed, or any agreement with the contractor, by whom the work is to be done, for the issue of all or a part of such bonds, directly

Bonds

to the contractor, in part or full payment of the contract price, in which case the bonds shall be delivered to the contractor, upon the completion and acceptance of the work, and the allowance of the final estimate.

Sec. 16. Be it further enacted, That the proceedings arising from the collection of assessments, levied for each improvement, shall be and constitute a separate and distinct fund, and each such fund, together with its accumulations, shall be and is hereby sacredly pledged to the payment of the bonds and interest coupons, issued for the improvement, from the assessment for which such fund arises, and shall be applied exclusively to the payment of said bonds and coupons. It shall be the duty of the town treasurer to keep an accurate account of all funds arising from all assessments for public improvements, and to carefully and accurately keep a separate account of the funds arising from the collection of assessments for each particular improvement, and no proceeds arising from assessments levied for one improvement, shall be diverted to the payment of the bonds issued for any other improvement, or to the payment of any other indebtedness of the town: Provided, however, That if at any time, the amount of any particular fund should exceed the amount of outstanding bonds and interest coupons entitled to payment out of such funds, the surplus may, by direction of the board of mayor and aldermen, be applied to make up any deficiency in any other fund, or to reimburse the general fund of the town to the extent of any amount which may have been advanced from said general fund to make up any deficiency in any public improvement bond fund or to help pay for any improvement hereafter constructed, or to redeem any bond or interest coupon issued for any improvement; provided further, that the board of mayor and aldermen shall have the power, after the expiration of thirty days from the final assessment for any improvement if no bonds have been issued and sold, to order the payment out of the proper fund, to the contractor who con-

Separate
funds

structed the improvement, of all or any part of the assessment for said improvement previously collected, or to reimburse from said collection the general fund of the town to the extent of any money advanced out of the general fund to pay the cost of the said improvement, and to issue and to seal bonds as hereinbefore provided, either to the contractor in full settlement or to other to an amount not exceeding the balance due the contractor and the general fund of the town. And said board shall also have the power, if all the bonds issued for any improvement are owned by one person, or if, being owned by different persons all the owners consent thereto, whether said bonds were issued before or after the expiration of thirty days from the final assessment, to pay off and redeem at any time, out of the fund of which said bonds are entitled to be paid, any bonds that may be presented for payment, together with the accrued interest thereon. If there shall be any surplus arising from the sale of bonds issued for any improvement, and above the cost of said improvement, said surplus shall be and become a part of the fund arising from the collection of assessments levied for said improvements, and shall be kept and applied in the same manner as the said fund is herein required to be kept and applied. All proceeds arising from the collection of assessments levied for any improvement shall, as soon as collected, be deposited by the town treasurer in some bank or banks paying interest on time deposit. Said collection shall not be deposited with the general funds of the city, but shall constitute a separate deposit from the general funds of the town, but shall constitute a separate account of the "mayor and aldermen of Woodlawn, public bond improvement," and shall be drawn out on a check or order directing the amount designated therein to be paid out of the public improvement bond fund. The town treasurer shall be liable on his official bond to any holder of the bonds authorized to be issued under this act for any loss or injury to such bondholder, caused by the failure or neglect of the town treasurer to

Separate
funds

Separate
funds

apply to the fund out of which said bondholder is entitled to be paid any money herein required to be applied to such fund, or by the diversion by said officer of any fund or part thereof, to the payment of any bonds or interest coupons, or indebtedness to the city, other than the bonds and interest coupons entitled and indebtedness herein authorized to be paid out of said fund, or by the use or misappropriation by said officer, or any part of the funds out of which said bonds are required, and contemplated herein to be paid, whether such use or misappropriation be for his own benefit, or for the benefit of the town or others, and all members of the board of mayor and aldermen, who shall by their vote, or in any other manner, cause, aid or encourage any such diversion, use or misappropriation out of the funds of which the bondholders are entitled to be paid, for any other purpose than as required herein, whereby loss or injury to the bondholders or any of them is caused, shall be jointly and severally liable to such bondholders injured to the extent of such loss or injury.

Authority

to sell

Sec. 17. Be it further enacted, That the board of mayor and aldermen shall have authority to sell all property against which an assessment has been levied, at any time after said assessment shall have become due, to satisfy the same, together with all costs, and such sale shall be governed as to notice, terms, costs, redemption, and in all respects, except as in the time of sale, by the laws and ordinances of the town now in force, or which may hereafter be enacted, providing for the sale of real estate for town taxes. But the board of mayor and aldermen shall have the power to adopt other and different laws governing and regulating such sale of estate for said assessments: Provided, however, That in addition to such remedy for the enforcement of the collection of said assessments, the lien of said assessments, irrespective of any amount thereof, may be foreclosed by a proceeding instituted in any Court of competent jurisdiction, and in such proceeding any number of persons, the assessments against whose property are in default,

may be joined as defendants; provided, further, that after the maturity of any bonds issued for any improvement are in default the holders of said outstanding bonds, or any of them, may maintain a bill in equity in his or their own name to foreclose the lien of said assessment, irrespective of the amount thereof and may recover interest, cost and a reasonable attorney's fee. And in such bill any number of persons, the assessments against whom are in default, may be joined as parties defendants. In such suit the lien shall be foreclosed for the whole amount of the unpaid assessment against the property of each defendant, and the recovery shall enure to the benefit of all the bondholders.

Sec. 18. Be it further enacted, That of any assessment levied on property abutting on, or benefited by, any improvement authorized by this act, appear to be, or be declared, invalid by reason of some mistake in the proceedings, the board of mayor and aldermen shall have the power, at any time before the expiration of three years before the maturity of the bonds issued for the improvement for which assessment was levied, to reassess said property, and may, when necessary, reassess all property abutting on, or benefited by said improvement, the assessments for which have not been paid. Reassess-
ments

Sec. 19. Be it further enacted, That should there be a street, electric or other railroad track or tracks on any street or highway improved under this act, the cost of such improvement, except storm-water and sanitary sewers, between the tracks and the rails of the tracks, and in cases there are two or more tracks, the space between such tracks, and three feet on each side of the track, including switches and turnouts, shall be paid by the owner of the railroad, and shall be assessed and collected from such owner, and shall be a lien upon the railroad and the property in connection therewith. Railroad
tracks

And in event a storm-water sewer be constructed, which drains streets or avenues or rights of way on which is a street, electric or other railroad, there shall be assessed against such railroad a fair and

just proportion of the cost of constructing such sewer, to be determined by the board of mayor and aldermen of Woodlawn, and such assessment shall be a lien like other assessments and may be collected in like manner.

Sidewalks

Sec. 20. Be it further enacted, That nothing in this act shall be so construed as to take from the mayor and aldermen of Woodlawn, or in any manner affect the power and authority to compel property owners, by penal ordinance or otherwise, to repair the sidewalks in front of their property in such manner and with such material as may be directed, and under the supervision of the town engineer, or other officer or agent of the town, or to cause such repairs to be made at the expense of the property owner.

Purchase or
condemn

Sec. 21. Be it further enacted, That whenever in the judgment of the board, it may be necessary and expedient for the carrying out of the powers herein granted, the mayor and aldermen of Woodlawn shall have full power and authority to acquire by purchase or condemnation the necessary lands, or rights, or leaseholds, or interest herein, thereunder and the recover, and may proceed to condemn the same in the manner provided by the general laws of this State, governing the taking of land or acquiring an interest therein for the uses for which private property may be taken; and such proceedings shall be governed in every respect by the general laws of the State pertaining thereto.

Police power

Sec. 22. Be it further enacted, That the mayor and aldermen shall have and exercise full police power in the corporate limits to prevent crime. To protect the rights of persons and property, and to preserve the public peace. To this end the marshal and policemen are clothed with the authority of constables under the laws of the State of Alabama. And the corporate authorities shall have and exercise general jurisdiction within the corporate limits, and have police jurisdiction over all territory lying within two miles of the corporate limits of said town and have authority to punish

Two miles

all persons guilty of offenses committed within said territory as if the same were committed within the corporate limits of said town, and the marshal or any police of said town shall have the authority to make arrest anywhere within the corporate limits of the City of Birmingham for offenses committed within the jurisdiction of the authorities of said Town of Woodlawn.

Arrest in
Birmingham

Sec. 23. Be it further enacted, That the board of mayor and aldermen shall have power to require all male inhabitants over the age of eighteen and under forty-five years, residing within the corporate limits to work not more than ten days in each year upon the public streets, or in lieu thereof to pay a sum to be fixed by the mayor and aldermen not exceeding five dollars per annum, and to this end to enact suitable ordinances, to enforce the duties when required. The inhabitants of said Woodlawn are relieved from working the public roads of the county.

Street tax

Sec. 24. Be it further enacted, That the mayor and aldermen are authorized to create all such, and to appoint all such officers as may be necessary to carry into effect the powers conferred by this act. To prescribe their duties, to fix their compensation, the term of service, the amount of bond they shall give and whether or not the same shall be by guarantee company or personal. To regulate and control them in the discharge of their duties, and to remove or discharge such officers or agents.

Appointing
officers

Sec. 25. Be it further enacted, That the mayor and aldermen have full authority to purchase and provide for the payment of the same, all personal and real estate deemed necessary from time to time for the public use and convenience, and to construct suitable public buildings for council chambers, prison houses, market houses and school houses. And to enable the mayor and aldermen to buy a lot and construct a suitable building for colored school, and furnish the same, they are hereby authorized to issue interest bearing warrants of the town for such amount as they may deem necessary, not exceeding \$1250.00, payable not more

School
buildings

Building col-
ored school

than five years from date of issuance, in such denomination as the mayor and aldermen may decide, and the said warrants shall have interest coupons attached. The said warrants and the interest on same shall be receivable for taxes from and after the same are due.

Taxes

Sec. 26. Be it further enacted, That the mayor and aldermen of said Woodlawn, to provide public revenue, are authorized to levy taxes upon personal and real property, not to exceed one-half of one per centum of the value of such property, as assessed for State and county taxes for the preceding year, capital employed in business in said municipality, auction sales of merchandise, gross amounts of commission, or sums received during the preceding year by any factor, commission merchant or buyer. On the gross receipts of each trade or occupation conducted within or derived from a business carried on within, or partly within, said municipality, and on all salaries, whether from public or private employment, after deducting the expense of carrying on such trade, occupation or employment: Provided, That where capital is invested in goods, wares or merchandise, a tax shall not be levied upon the capital, and at the same time, upon the property upon which the same is invested, and that it shall not be lawful to impose a double tax upon any subject of taxation. The mayor and aldermen are authorized to establish regulations to insure correct returns to the proper officer or officers of all subjects of taxation, and for the listing of the same by the tax payer for taxation, and if the tax payer fails to list his property for taxation, to provide that his property may be assessed by the officer appointed to assess property within the corporate limits, and to make all needful regulations to equalize the valuation of property, assessed for taxation, and to provide that the same be assessed at its proper valuation according to law.

Sec. 27. Be it further enacted, That the mayor and aldermen are empowered to make all needful regulations and to enact all by-laws and ordinances

necessary to enforce the prompt collection of the taxes assessed, and to that end may elect a tax collector, who shall qualify by taking an oath to faithfully perform his duties as such, and shall give bond in such sum as may be required for the faithful discharge of his trust; bond by guarantee company preferred. One person may be appointed to perform the duties of assessor, collector and clerk of the municipality.

Assessing
and collect-
ing taxes

Sec. 28. Be it further enacted, That when the book of assessment shall be completed and returned to the mayor and aldermen, and they have levied a tax on the property so listed and assessed, the mayor shall issue his warrant annexed to the tax list or book of assessment to the collector of the corporation tax, which list shall contain the names of the tax payers, a description of the real estate, its valuation and the taxes assessed thereon, and such tax list, with the warrant annexed, shall have the force and effect of a judgment at law and shall be a preferred lien on all the property within the corporate limits of the person to whom the said assessment is made from the time the assessment is made, except those for State and county. That the board of mayor and aldermen may provide by ordinance for the issuing of executions for the collection of delinquent taxes, for the levy of the same and the sale of property so levied upon.

Book of
assessment

Execution
and levy of
same

Sec. 29. Be it further enacted, That the said board is hereby authorized and empowered to pass laws for the sale of real estate and personal property in said town for taxes, whether the said real estate and personal property belongs to a resident or non-resident owner, or to persons unknown, and to authorize the sale of any one lot or subdivision of lots or so much of the property as may be necessary to pay the taxes due, that on making sale the tax collector of the town shall by deed convey to the purchaser at such sale a title superior to that of any lien then existing, save those of the State and county. By virtue of the deed of purchase so executed, the purchaser may sue at law after ten days from said purchase, and recover

Sale of prop-
erty for taxes

Deed to
purchaser

possession of the real estate thereby conveyed, with the rents thereof from the date of said deed. In suits brought under this act for the possession of real estate the deed of purchase executed by the tax collector shall be prima facie evidence of the right of the purchaser, or those claiming under him to recover the real estate so sold. That no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any one other than the owner, or as the property of an unknown owner unless the person impeaching said sale shall show that the taxes so assessed on said property and all penalties and costs accruing on such assessment, and the proceeding for sale were paid at the time of such sale.

Redemption Sec. 30. Be it further enacted, That any real estate sold pursuant to the provisions of this act, may be redeemed within two years from the date of the execution of said deed of purchase, by the owner or any one interested in the same, by paying to the purchaser, or the town treasurer for him, Cost of redemption double the amount of the taxes, cost and expense of sale, paid by the purchaser and five dollars for the expense of a reconveyance and legal interest on the amount paid at such sale from the date of the sale to the day of redemption, and when any lot or part of a lot has been assessed to any unknown owner the assessment should be prima facie evidence of the fact; and the town may by its agent purchase real estate sold for taxes, and in such event the deeds for the same shall be made to the town and the same may be redeemed as other lands sold for taxes as aforesaid, and when so redeemed the mayor shall reconvey to the party redeeming, at the expense of the latter as aforesaid, and all the money so received shall be paid into the town treasury and used as the other money received from taxes on real estate.

Public school district Sec. 31. Be it further enacted, That the territory embraced within the corporate limits of Woodlawn be, and the same is hereby constituted a public school district, and the mayor and aldermen, for

the use of the public schools, are authorized to collect all poll tax from persons liable therefor living within the corporate limits of Woodlawn, and the payment of such poll tax to the tax collector of the Town of Woodlawn shall be a full discharge of the liability therefor to the tax collector of Jefferson county.

Sec. 32. Be it further enacted, That after the passage of this act it shall be unlawful for any person to sell, give away, deliver or otherwise dispose of spirituous, vinous or malt liquors or intoxicating bitters or beverages, within the corporate limits of Woodlawn: Provided, That this act shall not be construed to prevent practicing physicians or licensed druggists from using the same in compounding medicines, nor families using the same for household purposes. Liquors

Sec. 33. Be it further enacted, That any person guilty of the violation of the preceding section, on conviction thereof shall be fined in any sum not less than fifty nor more than one hundred dollars, and may be put to hard labor for not more than thirty days. Fines

Sec. 34. Be it further enacted, That the board of mayor and aldermen shall have power to issue bonds of the town to an amount not exceeding \$25,000.00, in sums of one hundred dollars, and payable at such time and place as said board may designate, not exceeding twenty years from the date thereof, with coupons attached, bearing interest at the rate of 6 per cent. per annum, payable to bearer, and receivable in payment of all taxes levied by the town; said bonds shall not be valid until their issuance shall have been authorized by a majority of the white electors of the town by vote by ballot, and not until signed by the mayor and countersigned by the treasurer thereof, and the treasurer shall keep a correct account of such bonds issued and disposed of, they shall be exempt from municipal taxes in said town; said bonds shall be sold at not less than par. Waterworks
bonds

Sec. 35. Be it further enacted, That the proceeds from the sale of said bonds shall be used for the

Purpose

purpose of constructing and maintaining a system of water works for the town.

Power of
board

Sec. 36. Be it further enacted, That the board of mayor and aldermen shall have the power to do all things necessary to carry out the powers granted to issue and dispose of bonds, and may herein act through themselves or through agent or agents, duly appointed by them for that purpose, at any regular or special meeting of the board, and no technical informality, irregularity, neglect or omission, in the proceedings or records of said board shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Interest

Sec. 37. Be it further enacted, That to pay the interest on said bonds and the principal at maturity, the board of mayor and aldermen shall set part the net income from the said water works and keep the same separate and apart from the other revenue of the town, and the same shall not be liable for the payment of any of the obligations of the town until the said bonds and the interest on the same are paid in full.

Net income to
be set apartBoard of
education

Sec. 38. Be it further enacted, That the public schools of the Town of Woodlawn shall be under the charge of a board of education, to consist of the mayor of Woodlawn, who shall be chairman of the board of education, and five other persons, to be elected by the mayor and aldermen of said town. Said board of education shall exercise the powers and perform the duties hereinafter provided. Election of said board of education to be on the first Monday in May hereafter, at the expiration of each member's term of office.

School
houses

Sec. 39. Be it further enacted, That each member of said board of education, except the mayor, shall, upon his introduction into office, subscribe to an oath, or affirmation, to faithfully discharge the duties imposed upon him as a member of said board, such oath may be administered by the mayor of said city.

Sec. 40. Be it further enacted, That said board of education shall open a sufficient number of schools

to meet the needs of the population of Woodlawn, and said board shall elect a superintendent or principal of said school or schools, and all teachers, and if needs be, elect a city superintendent of education. Said board shall fix their compensation and prescribe their duties, shall dictate the course of instruction, the number and character of text books. Said board shall prescribe the method of teaching, the rules and regulations of the government of the schools, and shall have and exercise such additional power as may give it complete control of the public school of said town.

Sec. 41. Be it further enacted, That said board shall issue diplomas to all persons who shall satisfactorily complete the course of study prescribed for the high school of the town.

Sec. 42. Be it further enacted, That the children and wards of all actual residents within the corporate limits of said town from seven to twenty-one years of age shall be entitled to seats as pupils in the public schools of said town, upon compliance with the conditions mentioned in the following sections: Provided, That such children shall themselves be bona fide residents of said town, and non-resident children may be admitted in such schools on such terms and conditions as may be provided; provided separate schools shall be provided for the citizens of African descent.

Sec. 43. Be it further enacted, That the board of education shall have power to charge in the several grades of said such ——— and other fees may be deemed necessary for the proper conduct of the schools.

Sec. 44. Be it further enacted, That it shall be the duty of the board of education, when necessary to prepare and file with the mayor of Woodlawn an estimate of money that will be required for the erection and repair of necessary school buildings, and the board of mayor and aldermen of said city shall make necessary provisions to supply the funds required in said estimate, within the discretion of the board of mayor and aldermen.

Sec. 45. Be it further enacted, That all moneys devoted to the public school purposes in the City of Woodlawn, whether derived from State, county or City of Woodlawn or obtained by bequest or any other manner whatsoever, shall be paid by the party collecting the same to the treasurer of the board of education.

Treasurer of
Woodlawn

Sec. 46. Be it further enacted, That all moneys intended for the school purposes which may come in the hands of the treasurer of the City of Woodlawn, together with the poll tax and all other moneys from whatsoever source, shall be by him paid over to the treasurer of the board of education on the first and fifteenth of each month, or oftener, and the said treasurer of board of education shall execute his bond, the amount of same to be fixed by the said board. Such moneys, together with all unexpended balances in the hands of said treasurer of board of education, shall constitute a school fund, which shall be disbursed in the interest of the public schools of the City of Woodlawn in such manner as the board of education may direct.

Examiners

Sec. 46. Be it further enacted, That all moneys education shall have authority to create a board of examination of applicants for positions as teachers in the public schools in the Town of Woodlawn.

Examinations

Sec. 48. Be it further enacted, That the board of education may, in its discretion, institute competitive examinations before such persons as the board may select, of applicants for positions as teachers in the public schools of said city, including licensed teachers in such schools who are applicants for selection as teachers.

Laws and
contracts
remain in
force

Sec. 49. Be it further enacted, That all ordinances of the town of Woodlawn or of the mayor and aldermen of the town of Woodlawn, in force at the date of this act, which are not in conflict with provisions thereof, are to be considered, and are hereby declared in full force and effect until altered, amended or repealed by the board of mayor and aldermen. All the present city officials, agents

and employees shall continue in office or service of said city until the first election under this charter and their successors are duly elected and qualified, subject to removal and change made by this charter. No prosecution, suit or claim whatever now pending or existing, or to be brought under existing laws, shall be in any manner affected, impaired or altered by the enactment of this act. That all laws heretofore existing authorizing the issuance of bonds are held in full force and effect, and are not in any manner affected by this act. All the powers granted in this act shall be liberally constructed in favor of the town.

Approved February 23d, 1899.

No. 699)

AN ACT

(H. 1196

To establish a new charter for the City of Birmingham, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the City of Birmingham, in the County of Jefferson, shall be and continue to be a body politic by the name of "the mayor and aldermen of Birmingham," and by this name may sue and be sued, contract and be contracted with, purchase, receive, let, sell, bargain, mortgage or alien property, real, personal and mixed, and may sue and be sued, plead and be impleaded, and do and perform any other acts incident to bodies corporate.

Sec. 2. Be it further enacted, That the said City of Birmingham shall include in its corporate limits the territory described as follows, to-wit: Beginning at a point at which Thirty-second street extended northwesterly would intersect Seventeenth avenue north extended northeasterly, running thence in a southwesterly direction, along and parallel with Seventeenth avenue, north, extended southwesterly to a point at which Seventeenth avenue extended southwesterly would intersect Walker

Corporate
limits

street extended north; thence south along and parallel with Walker street, extended to a point at which Seventh street intersects Walker street, thence south along the east side of Seventh street, to a point where said street, if extended, would intersect the south side of the Alabama Great Southern railroad company's main track; thence easterly along the south side of said main track to the east side of Thirteenth street, thence south along the east side of Thirteenth street to the north side of Avenue B, thence west along the north side of Avenue B, to the east side of Seventh street, thence in a southeasterly direction along and parallel with the said Seventh street extended southeasterly to a point at which Seventh street so extended, would intersect Fifteenth avenue south, extended southwestwardly from Fourteenth street; thence northeasterly with and parallel to said Fifteenth avenue south, extended southwestwardly from Fourteenth street, to the corner of Fourteenth street and said Fifteenth avenue south, being a point on the former boundary of the Town of Highlands; thence with said south boundary of the Town of Highlands, northeastwardly to the corner of said Fifteenth avenue and Maiden lane; thence in a straight line northeastwardly to the northwest corner of Mountain avenue and Pink street; thence northward with the west line of Pink street extended to the west line of Highland avenue; thence northward with the west line of Highland avenue to the west line of Thirty-second street; thence northward along the west line of said Thirty-second street to the intersection of said west line of Thirty-second street with the northwestern boundary line of the general railroad right of way, thence southwestward along said northwestern boundary line to the intersection of said northwestern boundary line with the northeastern boundary line of the right of way of the Georgia Pacific railway, near Twenty-eighth street; thence northwestwardly along said northeastern boundary line, with the eastern boundary line of the right of way of the South and North Alabama railroad;

thence northeastwardly along said eastern boundary line to the intersection of the said eastern boundary line with the above mentioned west line of Thirty-Second street; thence northwestwardly along the said west line of Thirty-Second street to the point of beginning. The limits hereinbefore prescribed to include the inside line of the streets and avenues herein named as boundaries.

Sec. 3. Be it further enacted, That all the powers and jurisdiction conferred by this act upon the corporate authorities of the City of Birmingham, may be exercised within the territory hereinbefore mentioned, and over the inhabitants thereof, and the police powers and jurisdiction may be exercised within any territory of the County of Jefferson, within three miles of the corporate limits of the city, and over all lands which are now owned, and which may hereafter be purchased or acquired by said city for the purpose of using or occupying as a farm, hospital, quarantine station, poor house, pest house, work house, or house of correction, school house, sanitary sewers, right of way and cemeteries, and the laws and ordinances of the City of Birmingham shall apply and extend to and be of full force and effect over all of said lands and the inhabitants thereof, except only where such territory may, at the time of the passage of this act, be embraced within the corporate limits of some other municipality.

Sec. 4. Be it further enacted, That the City of Birmingham shall be divided into nine (9) wards as follows: The First ward is bounded on the west by the corporate limits of the city, on the south by the main line of the Alabama Great Southern Railway, on the east by Twentieth street, and on the north by Fourth avenue, north. The Second ward is bounded on the west by the corporate limits of the city, on the south by Fourth avenue, on the east by Twentieth (20) street, and on the north by Ninth avenue, north. The Third ward is bounded on the north and west by the corporate limits of the city, on the south by Ninth avenue, north, and on the east by Twentieth street, till it intersects Huntsville

Wards

First

Second

Third

- avenue, thence to the northern corporate limits along Huntsville avenue. The Fourth ward is bounded on the north and east by the corporate limits, on the south by Eighth avenue, and on the west by Twentieth street till it intersects Huntsville avenue, thence to the northern corporate limits along Huntsville avenue. The Fifth ward is bounded by Eighth avenue on the north, the corporate limits on the east, the main line of the Alabama Great Southern railway on the south, and by Twentieth street on the west. The Sixth ward is bounded on the north by said railway track, on the east and south by the corporate limits of the city, and on the west by Twenty-fourth street till its southern end is reached, thence in a southeastern direction along a street that bounds block seven hundred and forty-one (741), on the south into Twenty-Sixth (26th) street road, and thence to the corporate limits to the south along said road. The Seventh ward is bounded on the north by said railway, east by Sixth ward, south by the corporate limits, and west by Twentieth street. The Eighth ward is bounded north by the said railway, east by Twentieth street, south by the corporate limits, and west by Sixteenth street. The Ninth ward is bounded north by said railway, east by Sixteenth street, south and west by the corporate limits of said city.

Sec. 5. Be it further enacted, That the government of said city shall consist of, and its corporate powers be exercised by a mayor and eighteen aldermen (two aldermen from each ward) who are residents of their respective wards, and who shall be elected as herein provided for. The mayor and the aldermen who are in office when this act takes place shall remain and continue in office until the first Monday in May, 1899, and until their successors are elected and qualified on which said first Monday in May, 1899, there shall be elected a mayor and nine aldermen (one from each ward), which said aldermen so to be elected, shall be elected by the qualified voters in their respective wards and shall succeed to, and take the place of the aldermen from their respective wards who are now holding a

short term. The nine aldermen (one from each ward) elected at the last municipal election for said city, and who are now holding for the long term, shall continue to hold and to exercise the rights and powers of their offices until the expiration of the term for which they were elected, and until their successors are elected and qualified. At each subsequent election there shall be elected a mayor and nine aldermen, (one from each ward), such aldermen to be elected by the qualified voters of the respective wards, the mayor to be elected for a term of two years and the aldermen for a term of four years. There shall be elected on the first Monday in May, 1899, and biennially thereafter on the first Monday in May, a mayor and nine aldermen, the aldermen to hold for four years as aforesaid, and until their successors are elected and qualified. All elections to be held under this act shall be by ballot by the male inhabitants of the said city, who are over the age of twenty-one years, and who have resided in said city for three months, in the ward in which they propose to vote, for thirty days, and in the State for twelve months next preceding such election and are qualified voters under the general election laws of the State, and are registered as herein provided. Should the election not take place on the day fixed for the election of mayor and aldermen, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office until their successors are elected and qualified, and it shall be the duty of the mayor and aldermen to fix some day as early as convenient within one month thereafter, on which day the election shall be held, and, should the mayor and aldermen fail to provide for the election as herein directed, they and each of them shall be guilty of a misdemeanor, and should a vacancy occur in the board by death, resignation, or removal from the city or ward for which he was elected, of the mayor or of any alderman, or from any other cause, the board shall fill the vacancy at the next regular meeting, after such vacancy shall have been ascertained and declared

by the board to exist. If for any reason the board shall fail to fill the vacancy at the next regular meeting after which it occurred, then it shall be their duty to do so as soon thereafter as practicable.

Voters

Sec. 6. Be it further enacted, That the election for mayor and aldermen held under this act, shall be conducted according to the laws governing the elections for offices under the laws of this State, but no person shall be entitled to vote at such election in said city, unless he possesses the qualifications mentioned in the seventh article of the constitution of the State, and shall have resided in the city three months, and in the ward in which he proposes to vote thirty days, and cause himself to be registered in the ward of his residence, in the manner hereinafter provided, and shall have produced and surrendered to the inspectors of the elections at the polling places of said ward, the original certificate of such registration hereinafter provided for.

Polling
places

Sec. 7. Be it further enacted, That at the said election there shall be at least one polling place in each ward, but the board of mayor and aldermen may, if they deem it proper, establish more than one polling place in any ward. It shall be the duty of the mayor and city clerk to provide for the opening of said polls, and to give ten days notice by publication in some newspaper of the city, of the time and places of holding such elections, and the names of the inspectors of each polling place. The board of mayor and aldermen shall appoint the said inspectors, who shall perform the duty of returning officer. The numbers of said inspectors so appointed shall be three for each polling place in the city, one of whom shall be a member of each political party, if practicable, and said inspectors shall be qualified electors at said election.

Registration

Sec. 8. Be it further enacted, That at least twenty days before the first Monday in May, on which the election is to be held, it shall be the duty of the mayor and aldermen to appoint one person for each place of registration to act as registrar of voters; the place of registration in each ward to be ap-

pointed by the board, but the board may, if it deem proper, appoint more than one place of registration, and more than one registrar in any ward. The registrars so appointed shall respectively commence registration on the second Monday in April next preceding the election, and shall continue the same until Monday at seven o'clock p. m. of the week next preceding the said election, at which time the registration shall be closed. Each of said registrars shall give at least three days notice by advertisement in some newspaper published in said city, of his appointment, and of the time and place at which he will attend and make registration of voters, as hereinafter required, and should any of the registrars so appointed fail to act or from any cause a vacancy should occur on any of said appointments, then the board shall appoint some other party in his stead. Before registration is made of any applicant therefor, the said registrar must be satisfied by personal knowledge or sufficient evidence, that such applicant will be legally entitled to vote at the then next ensuing election for municipal officers of said city, according to the requirements of this act, in the ward in which he offers to register, and said registrar being so satisfied, must thereupon place the name of such applicant upon the registration list, together with his color and the ward of his residence, and the particular description of his residence, either by number of house or by its boundaries as to streets and avenues, or in some other way that will particularly designate and identify the same. The names of the parties registering shall be placed upon said list alphabetically, and be numbered in the order of registration, and the said registrar must furnish each person a certificate of his registration, giving the name, age, ward and place of residence, and the number of his registration. The right of any person to be registered as a voter may be challenged in the manner as hereinafter provided for the challenging of any person who may claim the right to vote at any municipal election of said city, and in case the registrar is in doubt, and cannot decide for him-

Registration

Registration

self any matter pertaining to his duties as registrar under this act, then said registrar shall take the advice upon such matters of the city attorney. Each of said registrars shall carefully preserve the original list of the voters registered by him, and make or cause to be made a correct copy thereof, and certify said original copy over his signature, and immediately after the closing of the registration list shall deliver both said original and said copy to the mayor of said city, but if the mayor is a candidate at said election, then the registrar shall deliver said original and copy to the city clerk, who will perform with respect thereto the same duties that are prescribed for the mayor in section 10 of this act.

Registrars

Sec. 9. Be it further enacted, That before entering upon the discharge of his duties, each of said registrars shall make and subscribe an affidavit, before some officer authorized to take affidavits, that he will faithfully and truly perform the duties of registrar by this act imposed upon him, and that he will faithfully and truly perform the duties of registrar by this act imposed upon him, and that he will honestly, without fear, favor, affection or prejudice, and without reward or the hope thereof, cause registration to be made of all persons who may personally apply therefor, and show that they are legally entitled to vote at the next ensuing election, and of no other person, which, affidavit shall be filed in the office of the city clerk. For every willful violation of their duty, as such registrars, they shall, on conviction, be punished by fine of not more than two hundred dollars, or imprisonment for not more than sixty days, one or both in the discretion of the judge trying the case.

Copies of lists

Sec. 10. Be it further enacted, That as soon as practicable, the mayor of said city shall cause at least fifty carefully corrected copies of each of said registration lists to be printed, and shall furnish to each of the inspectors of election one printed copy of the registration list of voters in the ward for which he is appointed, to be used at such election; one of those printed shall be used and designated by

each set of inspectors as the official copy, and shall be by them returned with the ballots cast at such election as part of their official returns, as herein directed. It shall be the duty of the mayor, at least one day before the election, to post at the court house in said city, and some public place in each ward, one copy of the registration list. The original of said list, and the certified manuscript copies, as received from the registrar, shall after said printed lists have been prepared, be by the mayor deposited with the city clerk; said original list to be used, however, by the inspectors of said election.

Sec. 11. Be it further enacted, That the inspectors of said election shall not receive the vote or ballot of any person whose name does not appear on the registration list as being registered in that ward in which he proposes to vote, as furnished by the mayor or city clerk, and who does not, at the time of voting, present and surrender to the inspectors of election his certificate of registration, issued to him under the provisions of this act, to be by said inspector then and there cancelled, and does not on demand make satisfactory proof of his identify with the person whose name may be on the registration list. For the purpose of said election, the printed lists furnished by the mayor or city clerk, and hereinbefore described as official lists, shall be taken as correct, but subject, if error be alleged, to be corrected, by comparison with the original registration list for the ward which, for that purpose, shall be in the custody of the inspector at the time and place of such election. Upon the receipt of any vote, by the inspectors, they shall forthwith draw a line on the registration list over the name voted so as to cancel the same. The inspectors shall as soon as the polls are closed, proceed to count the ballots cast at their respective polling places, and certify the result of the election to the mayor and aldermen of said city; they shall enclose the ballots cast in their respective boxes with the official copy of the registration list and the original registration

Rules of
election

list of the city for the ward, and the certificates of registration surrendered at the election, together with their said certificates of the result in the box, in which they are placed, the ballots received at the election, and after carefully sealing the same, deliver said box with its contents to the clerk of said city, who shall give to said inspectors his receipt for said box, stating in the receipt, the condition of said box, when received by him. Nothing herein shall be construed to deny to the board of mayor and aldermen the right which is hereby granted to provide by ordinance, if they deem it proper, for the registration on election day, and the voting of such electors as were prevented by absence from the city or sickness, from procuring registration certificates at the regular time hereinbefore prescribed, but in such cases, affidavit must first be made before any officer authorized by law to administer oaths.

Duty of clerk Sec. 12. Be it further enacted, That it shall be the duty of said clerk to carefully preserve said boxes and to deliver the same to the board of mayor and aldermen at the first meeting of said board to be held subsequent to such election; which said meeting of said board of mayor and aldermen shall be held at such time as may have been fixed by ordinance, by law or resolution of said board previous to said election, not later than the next regular meeting of said board.

Counting Sec. 13. Be it further enacted, That the said mayor and aldermen of said city, shall at their meeting, to be held as provided in the next preceding section, and after delivery to them of the boxes proceed to open said boxes and count up the returns as made by the inspectors of the several polling places and by count of the vote, if necessary, by the board, ascertain which of the candidates have received the largest number of votes for the respective offices to be filled at said election, and shall give certificates of election to the persons so found to be elected. But no member of said board who shall have been a candidate in such election shall participate in ascertaining and settling the result of said election.

26
Two-thirds of the members of said board who are not candidates for any office at such election, whether such number be more or less than half of the membership thereof, shall constitute a quorum for the purposes and with the power in this section granted. The said certificates of election so to be issued shall entitle the persons so certified to the position of their respective office, immediately upon the expiration of the term of office of their predecessor as fixed by law, subject however, to contestation of their rights as is now or may be hereafter provided by act of the general assembly for contesting the election of judge of probate.

Sec. 14. Be it further enacted, That any person offering to vote at any municipal election in the City of Birmingham may be challenged by any of the inspectors, or by any qualified elector, and it is the duty of every inspector to challenge any person offering to vote whom he knows or suspects not to be qualified by law as an elector. When any person is challenged, if his ballot be not withdrawn, one of the inspectors must tender him the following oath: Do you solemnly swear that you will fully and truly answer all questions that may be put to you, touching your qualifications as an elector. The inspector, or one of them, must then examine him as to his qualifications under this act. If it appears from the examination that the person offering to vote is not a qualified elector then his ballot must be rejected, and his certificate of registration taken up and cancelled. If the person so offering to vote appears, however, to be a qualified elector, then his vote shall be received, but if the party challenging so demands, it shall be deposited in a separate box, and designated to the board as a contested vote. Challenges

Sec. 15. Be it further enacted, That any person who falsely personates another, and thereby casts a vote for which he is not entitled, or thereby obtains registration as a voter for which he is not entitled, or attempts by false personation of another, to obtain such registration or to cast such vote, or having once voted at such election votes a second time, or attempts to vote Illegal voting

a second time, whether in the same ward or another, or shall vote at such election when not entitled to do so, or shall falsely cause his name to be registered as a person entitled to vote when he is not entitled, or shall falsely attempt to do so or after having once obtained registration in one ward, cause himself to be registered a second time, or attempt to obtain a second registration, whether in the same or another name, or whether in the same or another ward, or shall knowingly aid or assist another not entitled to vote, or obtain registration as a voter, or shall wilfully give false answer to any question put to him by any inspector or registrar, shall be guilty of a misdemeanor against said city, and on conviction, shall be punished by a fine of one hundred dollars, and by hard labor for the city for not more than six months.

Qualifications

Sec. 16. Be it further enacted, That no person shall hold the office of mayor or alderman of said city who is not a resident thereof, and has not resided therein one year next preceding the election; and the alderman must be residents of the ward for which they are respectively elected at the time of the election, and removal from the city shall vacate the office of mayor, and removal from the ward in which he was elected, by an alderman, shall vacate the office of such alderman.

Ballots

Sec. 17. Be it further enacted, That the ballots cast at any election held under this act, shall, after the same are counted, if the board deem it necessary to count them, be sealed up by the mayor and aldermen of said city, and deposited with the clerk of the Circuit Court of Jefferson county, Alabama, who shall preserve the same for twenty days after the election is declared, and then, if there is no contest, the said clerk shall destroy the same; but in the event of a contest, the same shall be delivered to the judge trying the same.

Sec. 18. Be it further enacted, That any election held under this act may be contested in the manner, or upon the grounds which are now or may hereafter be provided for the contest of elections for the office of probate judge. Such contest must

be heard and decided by the judge of the Circuit Court, but either party may demand a trial by jury, whereupon issues must be made up under the direction of said judge, and submitted to the jury, and said Circuit Court shall have jurisdiction to determine the contest and render the judgment, and enforce the same. If the person whose election is contested, and who received a majority of the votes cast, is shown to be ineligible, judgment must be rendered declaring such election void for such office, and the vacancy must be filled by the board. The said election may be contested for fraud of any manager of the election, or ineligibility of the person declared elected, or on account of illegal votes, or for offers to bribe, or bribery, or any other misconduct calculated to prevent fair, free and full exercise of the election franchise by those entitled to vote at said election. The said Court may adjudge the cost of said contest as it may deem just in its discretion. If it appears the contestant received the highest number of legal votes cast at the election, he must be declared elected. If, upon any such contest, it appears that two persons have received an equal number of votes, it must be so adjudged, and the office must then be filled by an election by the board.

Contests

Sec. 19. Be it further enacted, That the majority of the board must be present at the meeting in order to transact any corporate business (the majority forming a quorum), but any number not less than three may assemble at their regular time and place of meeting and adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as the board may prescribe; that the board may establish and determine the rules of its proceedings, and it may provide and enforce penalties for absence of its members, and for disorderly conduct. In the absence of the mayor at any meeting of the board, the members present may elect a presiding officer; and in case of absence or temporary absence of the mayor from the city, or inability to serve from other good reason, he may appoint any one of the aldermen

Quorum

Meetings

to act as mayor pro tempore, and the alderman so appointed shall have full power to perform all the duties of the mayor until the mayor resumes his office. All votes shall be taken at meetings of the board by call of the roll, the presiding officer being the first called, and the ayes and nays shall be recorded in the minutes of the meeting.

Appropriations Sec. 20. Be it further enacted, That no ordinance or by-law, or resolution, or order, shall be passed for the appropriation of any money or the granting of any franchise, or incurring of any obligation on the part of the city until the same shall have been read at a regular meeting of the board and referred to a committee of the board and reported to a subsequent meeting, except that if said committee should fail or refuse to report at such subsequent meeting, the board shall have a right to act thereon, notwithstanding the failure or refusal of such committee to report; and, provided further, that in case of epidemic, or other such pressing emergency, the board shall have the right to act by unanimous consent at the meeting at which the same is presented. But this section shall not apply to appropriations for the payment of current expenses and interest on the city debt.

Duties of mayor Sec. 21. Be it further enacted, That it shall be the duty of the mayor to preside and keep order at the meeting of the board; he shall call special meetings of the board whenever, in his opinion, the interest of the city requires it; and he may punish any offense or contempt, while the board is in session, by a fine not exceeding twenty-five (25) dollars, and by imprisonment not longer than ten days for each offense, one or both, and he shall cause the order imposing such fine and imprisonment to be entered upon the minutes of the meeting, and the same shall have the force and effect, and may be enforced in all respects in the same manner that judgments for violations of city ordinances are enforced, and by the same officers. He shall keep an office in said city, and shall receive such salary as the board shall prescribe as compensation for his services. And such mayor shall have the right,

when the good or safety of the city, in his judgment, requires it, to call upon and require the aid of the sheriff of Jefferson county, and may also require the aid of all the military companies in said city organized under the State laws. He shall, at least once in every six months, make a statement to the board in writing of the financial condition of the city, which said statement shall be published in at least one of the newspapers published in said city. He shall have and exercise general supervision over all the officers and employes of said city. He may call up any officer of said city at any time, for report upon any matter or matters connected with such officer's department; and he may, from time to time, cause the books and accounts of any officer of said city to be examined. He may suspend any officer or employee of said city until the next meeting of the board, when he must report the fact of such suspension to the board, that it may take such further action as it may deem advisable. The mayor is charged with the duty of seeing that every department of the city government is properly and honestly conducted, and that every officer and employee of the city faithfully discharges his duty. He shall see that every officer and employee of the city who may be required to give bond, shall execute such bond before entering upon the discharge of his duties, and that the said bonds are renewed at or before the expiration thereof. He shall see to it that all contracts and agreements of the city are faithfully kept and performed. The mayor shall have power to remit or commute fines, costs, forfeitures and penalties duly imposed for violation of any ordinance or charter provision, but he shall make a report of same to the board at the next session thereof, with his reasons therefor in writing. The mayor shall execute all contracts and bonds required in judicial proceedings for and on behalf of the mayor and aldermen of Birmingham; and in all judicial proceedings where, by law, bonds and sureties are required for litigants, bonds shall be given by the said municipal corporation; but no sureties shall be required therefor, and all such

Duties of
mayor

Duties of
mayor

bonds made and executed in the name of the mayor and aldermen of Birmingham, by the mayor without sureties, shall be taken by the Court of the State as a full compliance with the laws in such cases, and all laws and parts of laws inconsistent with this provision are repealed, so far as the City of Birmingham is concerned. The mayor shall exercise general superintendence over the fiscal affairs of the city; he shall be charged with the faith and credit of the city in relation to its debts and other liabilities, and he shall be the chief executive officer of the city. He shall perform all other duties in addition to those herein prescribed, as may be required of him by the board. At all meetings of the board, the mayor or alderman presiding may vote upon all motions, questions or resolutions presented as if he were not presiding; and in the event of a tie the question or resolution must be held to have failed for want of a majority in its favor.

City officers

Sec. 22. Be it further enacted, That the board shall elect a clerk and treasurer for said city, and prescribe their terms of office, their duties and compensation. The board may elect such other officers as they may see fit and think necessary for the good government of the city, and to carry out the powers herein granted; and may prescribe the duties of such officers, their liabilities, and powers and terms of office, and may require them or any of them to give bond in such sum as the board may see fit, conditioned as the board may prescribe, with sufficient sureties to be approved by the mayor; and may remove or discharge any of its officers and employees at pleasure, and fix the salaries of the same. For any breach of the bond of such officers, suit may be brought in the Circuit Court of Jefferson county, Alabama, or other Court having jurisdiction; and such suit shall be conducted in the manner as other suits.

Minutes

Sec. 23. Be it further enacted, That the said board shall cause to be kept a regular record or minute of all proceedings, orders, resolutions and ordinances of the board, which shall be read to the board and signed by the mayor or acting mayor

when approved by the board, and the same shall have the force and effect of a record, and a copy thereof certified by the clerk shall be prima facie evidence in any Court or elsewhere. Said record shall be open for inspection. The board may, however, adopt the city code or compilation of ordinances without setting out the same in full in its records.

Sec. 24. Be it further enacted, That the board of mayor and aldermen shall have the power to prescribe where persons arrested within the police jurisdiction of the said city for any misdemeanor or violation of city ordinance may be confined pending trial, and where any person convicted or sentenced to imprisonment or hard labor may be confined, and to require all persons sentenced to hard labor to work upon the streets or elsewhere, but women convicts must not be required to work upon the streets; and to establish, alter and maintain a system of hard labor for those convicted and sentenced to hard labor for said city, and such places of confinement may be either within or without the city limits: Provided, That the same shall be within six miles of the city limits; provided further, that the said board may contract to have all persons sentenced to hard labor for said city worked and confined elsewhere in Jefferson county, under the same rules, regulations and conditions as are now prescribed by law for confining and working county convicts; provided further, that no person held under sentence for violation of a city ordinance shall be leased or hired out, except that any person sentenced to hard labor who refuses to work may, on conviction therefor, be leased or hired out.

Sec. 25. Be it further enacted, That the said board of mayor and aldermen shall have full power and authority: 1st, to make, adopt and declare motions, resolutions, by-laws, ordinances and orders in whatever manner and upon whatever subject they see fit to carry out the powers herein granted, and for the good government and order of said city, and to affix thereto penalties for violations

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of the same by fine not exceeding one hundred dollars, and by imprisonment at hard labor for the city not exceeding six months, one or both, and any person convicted for breach of by-laws, ordinances or charter provisions, failing to pay or secure such fine, may be imprisoned for such failure or placed to hard labor for the city until such fines and cost are paid in such manner and for such times as the board may direct, not longer than six months. 2d. To pass all laws or ordinances necessary and proper to prevent contagious and infectious diseases from being introduced into said city; to establish and regulate a sufficient quarantine within said city and within ten miles thereof, and to punish any breach of quarantine laws; to maintain the health and cleanliness of the city, and to this end to adopt and maintain an efficient system of sewerage; to adopt such ordinances and regulations as the board may deem necessary and expedient to maintain a good sanitary condition in public places and on private premises in the city; and to prescribe the duties and fix the salaries and compensation of all such health officials as they deem necessary under the existing health laws of the State. 3d. To regulate water closets and the use thereof, and to prevent or remove, or cause to be removed or abated, all nuisances of any kind and howsoever created, at the cost of the owner of the property upon whose premises the same may be found, the cost to be a lien upon the property to be collected as taxes are collected, or as any other debt may be collected; to prevent owners of property of having or permitting ponds or pools of stagnant water thereon, and to remove, or cause the same to be removed at the cost of the owners, the same to be a lien upon the property, to be collected as taxes are collected or as any other debt may be collected. 4th. To aid, establish, set up and regulate hospitals, poor houses, work houses, and houses of correction, and to cause persons afflicted with contagious and infectious diseases to be removed to such suitable hospital as may be provided for that purpose, when such removal is necessary or expedient

for the prevention of the spread of such infection or contagion; and to cause persons who have been exposed to contagion or infection to be removed to some suitable place of detention and detained for a reasonable time, the city to defray the expense of removal and detention and necessary medical attention of persons so afflicted and removed, or who have been so exposed and removed. 5th. To license, tax, regulate and restrain theatrical and other amusements, and theatres and other places of public entertainment, and the selling, retailing, wholesaling or giving away of vinous, malt, spirituous or intoxicating liquors; and to close houses and places for the sale of intoxicating liquors when, in the opinion of the board, the public safety and peace may require it; and to authorize the mayor, by proclamation, to cause houses and places for the sale of intoxicating liquors to be closed for a period not longer than the next regular meeting of the board, whenever, in his opinion, the public peace and safety may require it, and the board shall have the power to revoke and cancel any license issued for the sale of spirituous, vinous or malt liquors, or the license for any house or place of public entertainment when, in the opinion of the board, the public safety, peace, good order or decency may require; to restrain or prohibit gaming, gambling houses, or houses of ill fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, and public indecency; and to restrain and prohibit chicken fighting, and all games and sports of an immoral character. 7th. To prohibit or regulate minors appearing on the streets or in public places after dark. 8th. To establish, regulate and control markets and market houses, and to require and provide for the proper inspection of food products and articles offered for sale or barter within the police jurisdiction of the said city, and for the punishment of persons or corporations selling or offering to sell unsound or unwholesome articles in said markets or elsewhere in said city, or within its police jurisdiction; and to inspect all dairies in the County of Jefferson, Alabama, the owners of which sell or in

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any manner dispose of milk in said city, and to regulate the same; and the board may prescribe and require the payment of reasonable charges for such inspection for the purpose of defraying the cost thereof; and the board shall have the power to regulate the sale of meats, vegetables and other like articles, and to prescribe the localities and houses wherein the same may be sold. 9th. To erect, repair and regulate public wells and cisterns; to establish fire plugs and public hydrants, and to make all needful provisions by contract or otherwise for the supply of the city and the citizens thereof with water; and the board of mayor and aldermen shall have full power and authority to regulate and prescribe the quality of water to be furnished and rates to be charged therefor to the city or to private consumers within the city limits, and to pass all such by-laws, resolutions and ordinances as may be necessary and expedient to this end. 10th. And to provide, by contract or otherwise, for the lighting of the city by gas, electricity or other system, for public and private use, and to regulate and prescribe the quality and the rates to be charged therefor to the city and to private consumers; and to pass all such by-laws, resolutions or ordinances as may be necessary to this end: Provided, That all rates for water, or gas, or electric lights that may be prescribed shall be reasonable. 11th. The said board of mayor and aldermen shall have the power to establish and control and regulate slaughter houses and pens and to confine the same to specified limits, and to prohibit the same in the police jurisdiction, and to regulate the sale of fresh meats within the said city, whether butchered in said city or not, and in their discretion to establish a system of inspection of such slaughter houses and such meats, either before or after the same is butchered, and to prohibit the sale of all such meats as may be condemned; to provide for the weighing and herding outside of the city of all live stock intended for slaughter, and to fix and collect such reasonable fees and charges as the board may deem necessary

to pay the expenses of carrying out the powers in this section granted. 12th. Said board shall have the power to require butchers or other persons offering meat for sale, either in the markets or elsewhere in the city, or in the police jurisdiction thereof, to exhibit to the clerk or said inspectors of meats the hides, with ears attached, of all cattle, sheep and goats slaughtered, and to require the head and ears of every hog or pig slaughtered to be exhibited to the clerk of the market, or said inspectors, before said head and ears have been cut from the body of such pig or hog, and to require the description of the marks, brands and colors of all animals killed for sale within said city or within its police jurisdiction, to be exhibited to said market clerk or said inspectors, together with a statement giving the name of the person from whom the animal was obtained and the date of such purchase; and said clerk of the market or said inspectors shall keep a record of all such information in their office for the inspection of the public: Provided, The requirements of this section shall not apply to persons living outside of the police jurisdiction, and not engaged in the meat or butcher business within the city or its police jurisdiction, who may bring their meats into the city or its police jurisdiction for sale; but any meats so brought shall be inspected by the proper authorities before being offered for sale; and to fix and collect such reasonable fees and charges as the board may deem necessary to pay expenses of carrying out the powers in this section granted. 13. To establish and maintain crematories for the destruction of garbage and such like substances, either within or without the city limits. 14. To establish streets, avenues and alleys, and regulate and control the paving and curbing of streets and sidewalks and the fixing and giving the grade, to cut down, fill in, or pave or otherwise alter, improve, widen or extend all streets, avenues, sidewalks, alleys and public places of the city, but the said mayor and aldermen shall not be liable for the failure to exercise this power. 15. To estab-

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lish, or build drains, and may require private and public premises to be connected with the sewer system and to regulate the manner of such connections, sewers, aqueducts and reservoirs and to regulate the same as to place; to adopt and enforce all laws, ordinances, and resolutions, to compel owners of lots or real property to ditch and drain the same at the expense of the owner, and to punish any refusal or neglect of such owner or party in charge of said lot or property. 16. To establish, lay out and improve public parks and regulate the same. 17. To establish and maintain a fire department, and to elect from time to time such officers and men as may be necessary to maintain the efficiency of such department, and to prescribe their compensation; and to establish, regulate or change the fire limits within said city and to pass all laws necessary for the protection of the city against fire and for this purpose may remove any wooden building or structure, paying the owner thereof a reasonable price, to determine within what limits wooden buildings shall not be erected, and to prevent the construction, repair and enlargement in wood of all buildings within such limits, and to regulate, prohibit or condemn buildings and verandas or parts thereof which are insecure and to tear down the same when the owner on notice fails to do so, the costs thereof to be charged against the owner, and to be a lien upon the property, to be collected as taxes are collected or as any other debt may be collected; and to regulate and prevent the erection or maintenance of awnings or verandas on or above the sidewalks or streets of the city; to regulate and control or prohibit the erection or use of powder magazines within the police jurisdiction of the city, and to prevent explosives and dangerous substances from being stored within the city and to regulate the manner in which explosives may be hauled or kept within the police jurisdiction. 18. To own, lay out, regulate, improve and control city cemeteries, either within or without the city limits, and to sell burial lots in the same; and to regulate and prohibit the establishment or use of private cemeteries

within the police jurisdiction of said city, and to regulate and prohibit the interment of dead bodies within the police jurisdiction of said city, elsewhere than in the city cemeteries. 19. To regulate or prevent the running at large on the streets of all cows, hogs, dogs or other animals, and to pass all laws deemed necessary by the board for the impounding and sale of such animals; to regulate and prohibit live stock from being driven through the streets of the city in droves. 20. To prohibit and prevent the sale of impure or adulterated foods or the sale of diseased or unsound meat, or decayed fruits or vegetables, or unwholesome articles of food. 21. To authorize and regulate the use of the streets of the city for horse, steam, electric or other railways, and to regulate the same, and to attach conditions to any grants or franchises and to compel such companies to have and keep in repair such parts of the streets, bridges and crossings over which their cars may run as the board may deem proper; to authorize and regulate the use of the streets for telegraph, telephone, electric and all other systems of wires, and conduits, and require same to be placed underground if deemed necessary for public convenience or safety; to authorize and regulate the construction and maintenance of gas and water mains under the streets of the city. 22. To maintain, erect, an iron bridge on Twenty-first street across the railroad tracks, as said bridge is now constructed, or it may hereafter be altered, together with the abutments, pillars and supports thereto; and to construct, regulate and control or to authorize to be constructed, subject to the right of the city to regulate and control the same, any bridge, tunnel or viaduct that the board may deem necessary or proper in constructing, improving or repairing, on or under any highways or crossing railroad tracks, ravines, ditches or the like. 23. To punish all offenses against the peace, good order, morals, health or sanitation of the city or against the personal property of the citizen, and to punish any act which is by law a misdemeanor against the

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State. 24. To regulate and control the running of cars, trains or locomotives upon or across the streets, alleys or avenues of said city; to control and regulate the speed of such cars, engines or trains within the corporate limits of said city; to require the tracks of railroads and street railways to be lighted, and to require, at the intersection of such tracks, gates to be established or watchmen to be kept, or both, and to require gates to be erected or watchmen to be kept, or both, wherever any railroad track crosses a public street, and to regulate, control and reasonably restrain the switching of cars on all crossings or highways of the city. 25. To pass all laws necessary and proper for the arrest, with or without warrants, of any person against whom there is a charge made by any citizen for violating any city or State law; to pass all laws needful for the issue and execution of such warrants. 26. To pass all ordinances necessary and proper to secure the safety of persons from fire in hotels or in halls or in buildings let or used for public assemblies or for entertainments, or amusements, and to require all such buildings to have and maintain ample means of exit in case of fire, and to refuse to license and to prevent the use of buildings for such purposes until such ordinances have been complied with; to compel owners or lessees of all buildings to provide fire escapes, and make provisions against fire, and to prohibit the occupancy or use thereof until such requirements are complied with. 27. To make, or cause to be made, a compilation of the laws and ordinances of the city, and to adopt and establish a city code. 28. To make and ordain all laws necessary concerning idlers, paupers, vagrants, disorderly or vicious persons, and to punish any person who, when put to hard labor for the city, fails to work faithfully, or who escapes or attempts to escape; and to punish any man having a wife, parent or family who being physically able to work, fails to provide for such wife, parent or family. 29. To regulate or prohibit auctioneers from carrying on their business on the streets. 30. To punish all per-

sons who in any manner obstruct any police officer or policemen in the arrest of any person in said city, or in the discharge of his duty; and to punish all persons, who, when called upon by any policemen, refuse to aid in the arrest of any person. 31. To pass and enact inspection laws within the city, and to regulate the weighing and measuring of produce and provisions for man or beast, and to provide for the inspection and gauging of liquors, and to punish the use of false weights or measures. 32. To regulate and control the manner of building partitions, walls and fences; to prescribe rules and regulations of buildings; to appoint an inspector of buildings; to establish a building commission and to pass all ordinances necessary and proper to secure safe and strong structures; to regulate and control the cleaning and sweeping of chimneys, the use of lights, stove pipes and flues in stores, shops, stables and other places; to cause any unsafe building to be condemned as a nuisance, and to prohibit the use thereof, and to require the owner thereof to remove the same, or cause the same to be removed, the cost of such removal to be assessed against the owner, and to be a lien upon the property, to be collected as taxes are collected, or as any other debt may be collected. 33. And said board of mayor and aldermen shall have power to prescribe the location and manner in which drainage from private premises may be disposed of, and to prescribe the manner in which plumbing shall be constructed, and to forbid the use of the same while out of order, or defective, and may discontinue or forbid the use of sinks, pits, dry wells and surface closets, and may regulate and compel connection of private or public premises with the sewer system of said city; and the board shall have the power to punish the owner of any property who shall fail to make such connections after ten days notice that he has been required to do so; and to prevent the lease, rental or occupancy of any property after notice that such connection has been required until connection shall have been made; and if such owner shall fail or refuse after ten days

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notice to make such connection, the city may cause the same to be made at the expense of the owner, and the costs thereof shall be a lien upon the property prior to all other liens except for taxes. Such notice must be given in writing to the owner, agent or occupant of such premises. 34. That the board of mayor and aldermen shall have the power to license, tax, regulate or stop such exhibitions, business, vocations, occupations or professions as are now licensed by the State, as well as other exhibitions, business, vocations, occupations or professions which are now or which may hereafter be engaged in or carried on in said city, in such sums as the board may fix, and to punish all persons who do business in said city without having taken out license required by laws and ordinances, and to impose and collect such licenses; but said city shall not license any business, exhibitions, profession, vocation or occupation, the engaging in or carrying on of which is forbidden by State laws. The power to license in this charter conferred may be used in the exercise of the police powers, as well as for the purpose of raising revenue, one or both.

Right to
vote

Sec. 26. Be it further enacted, That no member of the board of mayor and aldermen shall be entitled to vote on any question in which he or his employer have a special financial interest at the time of voting, or was so interested at the time of his election.

License fee

Sec. 27. Be it further enacted, That a fee of one dollar shall be charged for issuing each license, which sum shall be paid into the city treasury: Provided, That any person, firm or corporation taking out more than two licenses at the same time shall not be required to pay more than two license fees.

Sworn
statement

Sec. 28. Be it further enacted, That in all cases where the amount to be paid for a license depends upon the amount of capital invested, of value of goods or stock, or amount of sales or receipts, it shall be the duty of the person applying for such license to render to the city clerk a sworn statement of such capital or sale, or receipts or busi-

ness, or the value of such stock or goods, and such other and further proof as the clerk may demand to show the actual amount of capital invested, value of goods or stock, or amount of sales or receipts; and he shall not be required to receipt for any money for license until such proofs are furnished.

Sec. 29. Be it further enacted, That the adoption of the schedule of licenses by the board shall not abridge the right of the board of mayor and aldermen to change, alter or to increase any of the said licenses at any time; and when any increase is made, unless the same be paid in thirty days, the former license shall be revoked, and no further business carried on thereunder; nor shall it abridge the right of the board of mayor and aldermen to require a license for any business, occupation, traffic, calling or profession, and when such license is required, then the same shall be paid for the full year from January 1st, if before July 1st; but for only a half year if after July 1st. Licenses

Sec. 30. Be it further enacted, That any person, firm or corporation desiring to enter into or carry on the business of retail dealer in malt liquors may, at his or its election, take out and pay for a license, either for the entire year, or may take out and pay for a license semi-annually, the license to be issued or granted only for the time paid for, the first half year ending June 30th, and the second half ending December 31st. Option

Sec. 31. Be it further enacted, That any person, firm or corporation desiring to enter into or carry on any business, trades, occupations or professions for which a license of \$200 or more annually may be required, excepting retail dealers in malt liquors, may, at his or its election, take out and pay for a license quarterly, or may take out and pay for a license for an entire year, the license to be issued or granted only for the time paid for; for the first quarter ending March 31st, the second June the 30th, the third September 30th, and the fourth December 31st: Provided, That any person, firm or corporation who applies for a license on or after the first day of October shall be required to pay

one-half of the amount of the annual license, unless such person, firm or corporation has already paid for a license on such business, trade, occupation or profession for the third quarter of the year.

Part of

Sec. 32. Be it further enacted, That in case the license of any business, trade, profession, or occupations be taken out after the first day of July, only one-half of the license shall be charged and collected, except those subjects for which weekly or monthly, quarterly or semi-annual licenses are provided above.

Transfers

Sec. 33. Be it further enacted, That no license shall be transferred except by the consent of the mayor, and no license shall be transferred in any event more than once, and never from one business to another.

Penalty

Sec. 34. Be it further enacted, That it shall be unlawful for any person, firm or corporation or agent of a firm or corporation, to engage in any of the aforesaid businesses or vocations in the City of Birmingham for which a license may be required without first having procured a license therefor, and any violation of this act or any ordinance passed hereunder fixing a license, shall be punishable by a fine of not less than \$5 or more than \$100 for each offense, and by imprisonment for not more than thirty days, either or both, at the discretion of the judge trying the same, and each day shall constitute a separate offense.

Location

Sec. 35. Be it further enacted, That any person desiring to engage in any trade, business or occupation for which a license is or may be required, shall designate the place at which such trade or business or occupation is to be carried on, and the license to be issued hereunder shall designate such place, and such license shall authorize the carrying on of such trade, business or occupation only at such place. For each place at which such trade, business or occupation is carried on a separate license shall be issued, for which a separate license tax and license fee shall be charged.

Each business

Sec. 36. Be it further enacted, That any person dealing in two or more of the articles or engaging in two or more of the businesses, vocations, call-

ings or professions for which a license is or may be required for each, such person shall pay for and take out a license for each line of business, vocation, calling or profession.

Sec. 37. Be it further enacted, That the said board of mayor and aldermen may fix the license or occupation tax of any such business, profession or occupation upon the basis of the gross receipts of such business, profession or occupation for the next preceding year: Provided, however, That this section shall apply only to gas works, water works, electric light companies, telephone companies and street railway companies; and said board of mayor and aldermen may, by ordinance, prescribe the method of ascertaining, assessing and collecting the license in this section authorized. Basis of

Sec. 38. Be it further enacted, That the said board of mayor and aldermen are hereby authorized and empowered to fix and collect a license tax on any calling, profession, business or occupation not herein expressly provided for. License tax

Sec. 39. Be it further enacted, That whenever the board of mayor and aldermen shall determine to pave, grade or macadamize, or repave, regrade or remacadamize, or otherwise improve any street, alley, or any other public place, or any part thereof, upon which there is a street railway or other railroad, it shall give notice to the owner or to the person in charge of such street railway or railroad of such intention, and the owner or the person in charge or control of such street railway or railroad of such intention, and the owner or the person in charge of such street railway or railroad shall cause the part of said street determined to be improved, occupied by it, between and under its track and for eighteen inches on each side of the outer rail thereof, and where there are double tracks the space between such tracks to be paved, gravelled, macadamized or otherwise improved at its own cost, at the same time and in the same manner, and with the same material as determined by the board for the improvement of such street, and to repair the same from time to time, as it may become necessary, in the discretion of the board. If the owner Paving

Paving

or person in charge or control of any such street railway or other railroad, refuses to pave, gravel, macadamize, or otherwise improve the part of said street required of it, at the time and in the manner required, the board may do the work itself, or cause it to be done by another, and the costs thereof shall be assessed against and become a lien upon the said street railway or other railroad, and all the property, including tracks, rolling stock and real estate, held or used in connection with the operation of said railroad prior to any or all mortgages, judgments or other liens, except liens of the State for taxes, whether such judgments or other liens are created before or after such work, and the lien of the city shall not be waived by any agreement, ordinance or resolution granting time for the payment of the costs of such paving. If any street, alley or other public street over which the right is sought to build or operate a street or other railroad has already been paved, graveled, macadamized or otherwise improved, the board shall require projectors or owners of any such street railway or other railroad to pay or secure to the satisfaction of the board the costs of such improvements for that part of the street, alley or other public place which would be under and between the tracks and, in case of double tracks, between the two tracks, and for eighteen inches on each side of the outer rail thereof, the board shall permit any such tracks to be laid or the improvement interfered with for that purpose, and from time to time to make, at its own sense, such repairs upon that part of the improvement, required to be paid for by it, as may be necessary in the discretion of the board; to keep such improvement in good condition, and to make, at its own expense, from time to time, such alterations, changes and improvements as may be necessary to conform with the alterations, changes or improvements made by the board in paving or other improvements of such streets. Should the owner of any such street or other railroad refuse, delay or fail to make the repairs required of it within a reasonable time, the board may have it done, and the costs thereof shall be a lien on said railroad

and its property as hereinbefore provided; and said board is hereby authorized to require the owner of any street railway or other railroad occupying any of the public highways or places in said city to change the location of the tracks on such highways or public places as the public safety or convenience may, in the judgment of the board require, and the owner failing after notice, to make such change within a reasonable time, the board may cause such tracks to be removed, and relocated at the expense of the owner, the costs thereof to be a lien on the said railroad property. Any debt accruing to the city under this section may be collected as taxes are collected or as any other debt may be collected; all estimates of the costs of such improvements, to be paid for by said street or other railroad shall be made by the city engineer, or under his direction, or by such other engineer as the board may determine.

Paving

Sec. 40. Be it further enacted, That whenever in the discretion of the board of mayor and aldermen it may become necessary to extend or alter the system of sewerage and extend the mains, that the board shall have the power to do so, and the mains may be extended to any point in Jefferson county; and for this purpose the board of mayor and aldermen shall exercise the power of eminent domain, and may require such lands or such easements or rights therein, and the use of such waterways as may be necessary by proceedings to be conducted in the manner provided by the constitution and laws of the State of Alabama for acquiring private property for public use.

Sewerage

Sec. 41. Be it further enacted, That the board of mayor and aldermen shall have power to assess, levy and collect an annual tax of one-half of one per cent. upon all real property situated within said city, and on all personal property held or owned within said city, and upon all other subjects of taxation under the general laws of the State, such assessments to be made upon the basis of the valuation of the property, as assessed for State taxation for the next preceding year, and such assessment as may be made against the property and against

Taxes

the owner thereof; and the said board of mayor and aldermen shall provide by ordinance for the assessment, levy and collection thereof, in any manner not inconsistent with the constitution and laws of the State. Such assessment when made, shall constitute a lien upon each and every item of property for the payment of taxes assessed against the property, or to the owner thereof, subject only to the lien of the State and county for taxes.

Sec. 42. Be it further enacted, That the board of mayor and aldermen shall have the power in like manner to assess, levy and collect a tax not exceeding one-half of one per cent. in addition to the tax of one-half of one per cent. in the next preceding section authorized to be levied and collected, to be applied exclusively to the payment of the interest on the bonds of said city heretofore issued in pursuance of law, and which may hereafter be issued in pursuance of law, to take up or refund the outstanding coupons of said bonds, and for a sinking fund to pay off said bonds at the maturity thereof, and no part of the funds raised under the provisions of this section shall be applied to any purpose whatsoever other than is indicated by this section.

Escaped

Sec. 43. Be it further enacted, That if it shall appear that any property has escaped taxation by the State, the municipal officers, upon its discovery, shall report the same to the tax assessor or collector of the county, whose duty it shall be to assess the same, whereupon the board shall have full power and authority to levy and collect the full rate allowed by the constitution of the State upon such property, for the proper years allowed by the constitution. If any property in said city is assessed and taxed by the State the preceding year, it may be taxed by the said city as aforesaid for the current year, whether in existence on the first day of October of the current year or not. If any property has escaped city taxation in the previous years, or shall escape hereafter for any years, the board shall have full power to provide for the assessment and collection thereof in a manner not inconsistent with the State Constitution. The

board shall be authorized to provide for the assessment and collection of the city taxes to the amounts hereinabove authorized of the value of the property on railroad, telegraph and such like property, and to take the values from the State board of equalization for the preceding year.

Sec. 44. Be it further enacted, That the City of Birmingham shall have a prior lien on all real and personal estate assessed for taxes over and above all other liens, that may exist thereon, except those of the State and county, and on all sales made under and by virtue of such assessment. The tax collector of said city shall, by a deed, convey to the purchaser at such sale or sales a title superior in the order of priority of liens to that of any liens then existing, save those of the State and county: Provided, That when a tax is assessed upon the property, the owners of which are not known, thirty days notice of the sale by advertisement for once a week, specifying the amount of the tax, shall be given in some newspaper in said city before sale; and, provided further, that no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person than the owner, or as the property of an unknown owner, or on account of any informality or irregularity whatever in any of the proceedings for its assessment or sale, unless the person seeking to impeach said sale shall show that the taxes so assessed on said property, and all penalties and costs accruing on such assessment and the proceeding for sale, were paid at the time of such sale.

Sec. 45. Be it further enacted, That the said board is hereby authorized and empowered to pass laws for the sale of real estate and personal property in said city for taxes, whether said real estate and personal property belongs to resident or non-resident owners or to persons unknown, and to authorize the sale of any lot or subdivision of lots, or so much of the property as may be necessary to pay the taxes due, and that the owner, or any one for him, or any mortgagee or person having a lien, or transferee shall be allowed to redeem at any time within two years from the

sale, on paying the purchaser or city treasurer for him, double the amount of the taxes, costs and expenses of sale paid by the purchaser, and five dollars for the expense of a reconveyance and legal interest on the amount paid at such sale from the date of the sale to the date of redemption. Any surplus arising from said sale shall be paid into the city treasury to be kept as a separate fund by said officer for the owner, upon the responsibility of his official bond. Interest shall be collected on all taxes assessed from the 1st day of May next after the assessment, if not paid by that day; and when any lot or part of a lot has been assessed to an unknown owner, the assessment shall be prima facie evidence of the fact, and the board may, by its agent, purchase real estate sold for taxes, and in such event the deed for the same shall be made to the mayor of said city and his successors in office, to be held by him for the city, which may be redeemed as other lands sold for taxes, as aforesaid; and when so redeemed, the mayor shall reconvey to the owner at the expense of the latter as aforesaid: Provided, however, That where redemption is had within thirty days from the day of sale by any person who is authorized to redeem, he shall be required to pay only twenty-five per cent. of the original tax, cost and expenses of sale paid by the purchaser as a penalty, and five dollars for expenses of a reconveyance, in addition to the tax and costs of sale.

Sinking fund

Sec. 46. Be it further enacted, That the mayor and aldermen of said city are hereby authorized and required to establish a sinking fund to pay off the bonds heretofore issued by said city, or any bonds that may hereafter be issued by said city; to refund the bonds heretofore issued as well as bonds that may be issued on account of interest now, or hereafter to become due in pursuance of law, at the maturity thereof; they shall appropriate to the said fund all moneys arising from the tax hereinabove authorized to be collected in excess of one-half of one per cent. as aforesaid, for the payment of the bonds of said city, which shall not be necessary for the payment of the interest on said

bonds. And the mayor and aldermen are hereby authorized and directed to invest said sinking fund in the purchase of the bonds of said City of Birmingham: Provided, That the same can be bought at a price satisfactory to the said board of mayor and aldermen, and if said bonds cannot be so bought, said sinking fund shall be invested in bonds of the United States of America, or in bonds of the State or in the bonds of the County of Jefferson, in the State of Alabama, by said board of mayor and aldermen. And the application or use of any of the moneys collected for the payment of the interest or principal of said bonds as hereinabove provided, for any other purposes than that authorized and required by this act, shall be deemed a felony, and the person guilty thereof, whether he be the mayor of said city or any alderman so voting or the treasurer, collector, custodian, agent, or servant of the board, must, on conviction, be imprisoned in the penitentiary for not more than five years, and may be fined not more than one thousand dollars. The mayor and aldermen shall have power to collect all taxes of said city, and all fines and forfeitures imposed for any violation of any ordinances, or charter provision, by execution, levy and sale, and from the operation of such execution, no property of any citizen of said city or other person against whom the same runs shall, but this mode of collection shall not prevent the collection thereof in any other manner that may be authorized by this act or by law.

Sec. 47. Be it further enacted, That said board shall have authority to require all male inhabitants who have resided therein for ten days and who are between the ages of eighteen and fifty years, to work upon the streets of said city for at least five days in each year under the direction of such officer as the board may appoint, provided, that each person so required to work may relieve himself from so working by paying into the city treasury a sum to be fixed by the board, not exceeding five dollars; and money so collected or paid in shall be used and applied exclusively to the improvement of the streets; provided further, that the inhabi-

Work on
streets

Street tax

tants shall be exempt from working on roads and highways outside the limits of said city.

Dealing
in claims

Sec. 48. Be it further enacted, That it shall be unlawful for any officer of said city either directly or indirectly, by himself or his agent to purchase, deal in or traffic in any manner in any claim, debt, warrant, or scrip due from the city and any such person found so dealing shall be guilty of a misdemeanor against said city, and shall on conviction be punished by a fine of not less than ten nor more than one hundred dollars, and shall forfeit his office, but nothing herein shall prevent an officer or his agent from selling such claims as he may have on hand at the passage of this act, or may acquire directly from the city or from receiving in good faith any city claims in payment of a debt due to him, or from purchasing in good faith as much of said claims as may be necessary to pay his taxes and licenses for the current year.

Prisoners

Sec. 49. Be it further enacted, That whenever any person is in the custody of the city authorities before or after conviction of a violation of a city law, and is held for such offense by the city authorities and such prisoner has violated any State law and is charged therewith, such prisoner shall be held by the city authorities until the sentence of the Court shall have been fully performed and discharged, except in cases of a charge of felony by the State authorities, in which event they shall deliver the prisoner to the sheriff of Jefferson county to be delivered to the custody of the proper officer, and after the prosecution of said party by the State shall have been ended and the party discharged either by acquittal or by paying or otherwise satisfying the judgment against him, it shall be the duty of the State authorities to return the prisoner to the city to be dealt with, as the charter and ordinances of the city may authorize.

City convicts

Sec. 50. Be it further enacted, That the board may pass necessary ordinances to compel prisoners sentenced to hard labor for the city to work upon the streets or elsewhere, who refuse to work when being under such sentence, and in the event the city has not sufficient room in its prison for its convicts

such persons may be confined in the jail of Jefferson county until other provisions can be made for them. During such confinement, the sheriff shall receive from the city the same compensation for keeping said prisoners that he receives for other prisoners.

Sec. 51. Be it further enacted, That the mayor and aldermen of Birmingham shall have full power and authority to assess, levy and collect a poll tax from the inhabitants of said city, liable to pay the same, to be applied exclusively to the public schools of the city. The poll tax collected from the white inhabitants shall be for the benefit of the free white schools, and those collected from the colored inhabitants shall be for the benefit of the free colored schools of the city; said taxes to be assessed and collected by such officer as the board may appoint, under such rules and regulations as it may prescribe; such officers to have the same rights, powers and remedies for the collection of such poll taxes as are now possessed by the tax collector and other officers of Jefferson county. Poll tax

Sec. 52. Be it further enacted, That said mayor and aldermen of Birmingham shall have the right to build and construct underground sewers through private property anywhere in said city, or the police jurisdiction thereof paying to the owner such damages, if any, as will thereby be done to such property; and the city may, when necessary, acquire the necessary rights and easements by condemnation in the manner prescribed by the Constitution and laws of Alabama for the condemnation of land for the public use. Sewers

Sec. 53. Be it further enacted, That the mayor and aldermen shall have the power to establish and maintain free white public schools and free colored public schools in said city, in which the children and wards from seven to twenty-one years of age, of all actual residents, within the corporate limits, shall be entitled to seats as pupils: Provided, Such children are themselves bona fide residents of said city; but non-resident children may be admitted into such schools on such terms as the board of education may prescribe, and separate schools Schools

Schools

shall be provided for the children of citizens of African descent. The public schools of said city shall be under the charge of the board of education, to consist of the mayor and six other persons to be elected by the mayor and board of aldermen. The board of education existing at the time this act goes into effect shall exercise the power and perform the duties hereinafter provided; and the members thereof shall hold office during the time for which they were elected. The successors to each of said board shall be elected at the expiration of the term of such members, two members being elected annually and the term of office shall be three years. Each member of the board of education, except the mayor, shall, upon his induction into office, take an oath, to be administered by the mayor, to faithfully discharge his duty as a member of said board. The board of education shall have the following powers and duties: 1. To build upon the school property of the city suitable houses for the use and accommodation of the public schools, or to rent such houses, and to keep such houses in repair, and furnish the same with proper furniture and apparatus. 2. To open a sufficient number of schools to meet the wants of the population of the city; elect a superintendent of schools, the principals and all teachers; fix their compensation and prescribe their duties; control the distribution of teachers and pupils among the several schools, dictate the course of instruction, the number and character of text books, the organization of classes, and the method of teaching; to prescribe rules and regulations for the government of the schools and to exercise such additional powers as will be necessary to give it complete control of the public schools of the city, but the plans of instruction and the rules and regulations adopted by the board of education shall be adhered to, unless altered by a two-thirds vote. 3. To issue diplomas to all persons who satisfactorily complete the course of studies prescribed by the public high school. 4. To charge to pupils resident in said city such incidental and other fees as may be deemed necessary for the proper conduct and main-

tenance of said schools, and to charge the pupils non-resident of said city, such incidental or other fees as the board of education may deem proper in the event the board of education permits non-residents to attend such schools; provided, that the said board of education may, in its discretion, assign such free scholarships in said school as it may deem proper. 5. It shall be the duty of the board of education before the first Wednesday in April in each year to prepare and file with the mayor an estimate of the money that will be required for the maintenance of the public schools for the succeeding scholastic year, and the erection and repair of necessary school buildings; and the board of mayor and aldermen of said city shall, so far as practicable, with the means at hand, of which the board of mayor and aldermen shall be the judges, make the necessary provisions to supply whatever additional funds to meet the estimate so made. 6. All moneys devoted to school purposes in the City of Birmingham, whether derived from State, county or City of Birmingham, or obtained by gift or bequest, or in any other manner whatsoever, together with the receipts from poll tax, and such amount as may be appropriated for any scholastic year by the mayor and aldermen of Birmingham, shall be, by him, paid over to the treasurer of the board of education, to be elected by said board in three equal installments on the 1st of September, the 1st of December and 1st of March of the said year; such money, together with all unexpended balance in the hands of said treasurer of the board of education shall constitute a school fund, which shall be disbursed in the interest of the schools of the City of Birmingham, in such manner, as the board of education may direct. Said treasurer shall be appointed by the board of education from year to year, and shall be required to execute a bond before entering upon the discharge of his duties in such amount as may be fixed by the board of education.

Sec. 54. Be it further enacted, That the said mayor and aldermen of Birmingham shall have full power to pass ordinances and resolutions for the grading, paving and repairing of sidewalks, and for

keeping same clean, and for planting shade trees thereon; by the respective owners of real estate fronting thereon; and to enforce obedience to such ordinances by such fines, forfeitures, penalties and punishments as they may provide, to be assessed and collected as prescribed by this act therefor.

Streets

Sec. 55. Be it further enacted, That the mayor and aldermen of Birmingham shall have full power and authority to cause all streets, avenues, alleys or other highways, and sidewalks now established or hereafter to be established, to be graded, leveled, curbed, paved, slagged, macadamized, parked, or otherwise improved, and to be regraded, releveled, repaved, reslagged, reparked, and remacadamized, in such manner and with such materials as may be deemed best by the board of mayor and aldermen of said city, and to construct all such storm-water and sanitary sewers as said board of mayor and aldermen may deem necessary, proper or expedient.

Ordinances

Sec. 56. Be it further enacted, That before any work shall be done on any public improvement, authorized by the preceding section, the cost of which it is proposed to assess against the property abutting on or benefited by said improvement, it shall be the duty of the board of mayor and aldermen, except in the case of mere repairs to the street, avenue, alley, sidewalk or sewer, to adopt an ordinance or resolution that said improvement be constructed, which ordinance or resolution shall state the general character of the improvement, and name the location and the terminal points thereof, and the streets, avenues, or alleys or other highways, or routes, or parts thereof, along which it is to be constructed. Notice of the adoption of the said ordinance or resolution shall be given by publishing the same once a week for two successive weeks in some daily newspaper of general circulation published in the City of Birmingham, which notice shall contain, in addition to the ordinance or resolution, the estimated cost of said improvement, and shall name a time and place, not earlier than twenty days from the date of the first publication, at which the board of mayor and alder-

men shall meet to hear remonstrances or protests against the construction of said improvements. At said meeting, or at a time and place to which the same may be adjourned or called, all persons whose property will be affected by said improvement, may appear in person or by an attorney or by petition, and protest against the construction of said improvement, and after hearing said protest, if any, said board may confirm, modify, or rescind said ordinance or resolution. And if said contemplated improvement be a storm-water sewer, said notice shall describe the territory or area to be drained by said sewer, by naming the streets, avenues or alleys, or parts thereof, and other lines by which the territory to be drained is bounded.

Sec. 57. Be it further enacted, That if said improvement be finally ordered and constructed, the board of mayor and aldermen shall have the power and authority, after completion and acceptance thereof, to assess the total expense of constructing said improvement upon and against the several lots or parcels of land abutting the portion of the streets, avenues or sidewalks improved, or so located as to be drained or benefited by any sanitary sewer constructed in proportion to the amount of benefit accruing to each; and all such assessments shall be and constitute a lien on the respective lots or parcels of land upon which they are levied superior to all other liens, except those of State and county for taxes. The enforcement by the State or county or city of its lien for taxes on any lot upon which has been levied an assessment for any improvement authorized by this act shall not operate to discharge or in any manner affect the city's lien for said assessment, but the purchaser at a tax sale by the State, county or city of any lot or parcel of land upon which such assessment has been levied shall take the same subject to the lien of such assessment. Nor shall the enforcement by the city of its lien for an assessment levied for one improvement, by the sale of the property operate to discharge or any way affect the lien of any other assessment for a different improvement on the same property, but the purchaser

Assessments
a lien

at such sale shall take subject to the lien of all other assessments and the city's right to enforce said lien: Provided, however, That when the improvement consists of a storm water sewer the cost thereof shall be assessed against all the lots or parcels of land lying within the territory drained and benefited by said sewer, in proportion to the amount of benefit accruing to each; provided further, that the costs of all improvements except sewer improvements upon streets, avenues, alleys or other highways, intersections shall be assessed against the lots abutting on the streets, avenues or alleys or other highways so intersecting for one-half block in each direction; but in case of sidewalk improvements, including curbing, cost of the improvement at the street and avenue corner intersections shall be assessed against the lot abutting on or nearest said improvement, and the entire cost of the improvement at the intersection of an alley with a street or avenue shall be assessed in fair proportion against the respective lots abutting or cornering on the alley at said intersection.

Record

Sec. 58. Be it further enacted, That when the amount to be assessed against each lot or parcel of land for any improvement shall have been ascertained, the city engineer shall cause the same to be entered in a well bound book prepared for the purpose, which shall show the names of the owners of the property assessed, if known, and opposite each name the description of each lot or parcel of land assessed belonging to such owner, and the amount assessed against each; and shall contain appropriate columns in which payments may be credited and the lien of the assessment marked satisfied by the proper officer of the city; and if the name of the owner of any property proposed to be assessed be unknown, said book shall contain, under the head of "Owner Unknown," a list of the property to be assessed the owners of which are unknown. After the completion of the proper entries for each improvement, said book shall be delivered to the city clerk, who shall thereupon give notice by publication twice a week for two successive weeks in some daily newspaper of general cir-

Duty of clerk

culation published in Birmingham, that said book of assessment for public improvements has been delivered to him, and is open for inspection in his office, and that at a time and place named therein not less than twenty days from the date of first publication, the board of mayor and aldermen will meet to hear and determine any objection or defense that may be filed in his office by any owner of property proposed to be assessed against the assessment or the amount thereof. Said notice shall also state the general character of the improvement, the terminal points thereof, and the streets, avenues, alleys or other highways or portions thereof, along which it has been constructed; and if the improvement be a storm-water sewer, said notice shall also describe the territory or area drained or benefited by said sewer by naming the streets, avenues or alleys, or parts thereof, and other lines by which said territory or area is bounded. All persons whose property it is proposed to assess for the cost of said improvement may, at any time, on or before the date named in said notice and before said meeting, file in writing with the city clerk, or in his office, any objection or defense to the proposed assessment against his property, or to the amount thereof; and at a meeting on the date named, or on any date to which said meeting may be adjourned or called, the said board of mayor and aldermen shall hear and determine said objections or defense, and after so doing shall confirm, modify or set aside the assessment. If no objections or defense to the assessment or the amount thereof are filed, or if the property owner fails to appear, in person or by attorney, and insists upon the same, the assessments shall be confirmed and made final.

Objections

Sec. 59. Be it further enacted, That at the election of the property owner to be expressed by notifying the city treasurer in writing, within thirty days after the assessment is made final, of his desire to pay the assessment in installments, all assessments levied under and by virtue of this act shall be payable in ten (10) equal installments, and shall bear interest at the rate of eight (8) per cent.

Installments

per annum, due and payable as follows: Ten (10) per cent. of the principal, together with all accrued interest on the unpaid assessment, six months after date of final assessment, and 10 per cent., together with all accrued interest on the unpaid assessment, at the end of each year after the maturity of the first installment, until the whole is paid. And if the property owner shall fail to so notify the city treasurer in writing within the time specified, the assessment against his property shall become due and payable in cash within thirty days from the date of the final assessment: Provided, however, That any person desiring to do so, at any time, may pay to the city treasurer the entire assessment against his property, with the accrued interest thereon to the date of payment, and all lawful costs and charges, and such payment shall operate to discharge and release the lien of said assessment; or he may pay any one or more installments thereof at any time, and have the same credited on the assessment and the lien discharged pro tanto; provided further, that no interest shall be charged on assessments which may be paid up in full within thirty days after the assessment is made final. All assessments or installments thereof shall be payable to the city treasurer, whose duty it shall be to receive the same and give proper receipts therefor, and enter the proper credit and satisfaction.

Default in
payment

Sec. 60. Be it further enacted, That upon default for the period of thirty days in the payment of any installment and interest, the board of mayor and aldermen may, at its option, declare the entire unpaid assessment due and payable, and may order the lien thereof foreclosed and collection enforced.

Bonds

Sec. 61. Be it further enacted, That after the construction of any improvement shall have been finally ordered, and the entire cost thereof estimated, the board of mayor and aldermen shall have the power and authority, for the purpose of providing means to pay the expense of said improvement, to order the issue of, and to issue and sell, bonds to any amount not to exceed the estimated cost of said improvement. Said bonds

shall be negotiable, payable to bearer, and shall have attached thereto coupons for the interest thereon, and shall be payable in lawful money of the United States, and be in such form as may be prescribed in the ordinance providing for the issue; but the board of mayor and aldermen shall have the authority to direct that said bonds shall be payable in gold coin. The bonds shall run for the period of ten (10) years, and bear interest at a rate not to exceed eight (8) per cent. per annum, payable annually at such place or places as may be directed therein, and shall be in such denominations as the board of mayor and aldermen shall direct, not to exceed five hundred dollars each. They shall state on their face the general character of the improvement to pay for which they shall be issued, the terminal points thereof, and the streets, avenues and alleys, or parts thereof, along which the improvement is to be constructed; and if the improvement be a storm water sewer, they shall also describe the territory or area to be drained by said sewer, naming the streets, avenues and alleys, or parts thereof, by which said territory or area is bounded. They shall be issued under the corporate seal of the City of Birmingham, and both bonds and coupons shall be signed by the mayor and clerk of said city: Provided, however, That the validity of said bonds shall be in no wise affected by reason of any defect in the form thereof or any omission therefrom. The proceeds arising from the sale of said bonds, or so much thereof as may be necessary, shall be applied exclusively to the payment of the cost of the improvements to pay for which the bonds were issued; but if there should be any surplus remaining after paying the cost of said improvement, the same shall be and become a part of the fund arising from the collection of assessments and pledged to the payment of said bonds as hereinafter provided. But said board of mayor and aldermen may provide in the ordinance or resolution ordering any improvement to be constructed, or in the agreement with the contractor by whom the work is to be done, for the issue of all or a part of such bonds directly to the con-

Bonds

tractor in part or full payment of the contract price, in which case the bonds shall be delivered to the contractor upon the completion and acceptance of the work and allowance of the final estimate.

Duty of city
treasurer

Sec. 62. Be it further enacted, That the proceedings arising from the collection of assessments levied for each improvement shall be and constitute a separate and distinct fund, and each such fund, together with its accumulations, shall be and is hereby sacredly pledged to the payment of the bonds and interest coupons issued for the improvement from the assessments for which such fund arises, and shall be applied exclusively to the payment of said bonds and coupons. It shall be the duty of the city treasurer to keep an accurate account of all funds arising from all assessments for public improvements, and to carefully and accurately keep a separate account of the fund arising from the collection of assessments for each particular improvement, and no proceeds arising from assessments levied for one improvement shall be diverted to the payment of the bonds issued for any other improvement, or to the payment of any other indebtedness of the city: Provided, however, That if, at any time, the amount of any particular fund should exceed the amount of outstanding bonds and interest coupons entitled to payment out of such funds, the surplus may, by direction of the board of mayor and aldermen, be applied to make up any deficiency in any other fund, or to reimburse the general fund of the city to the extent of any amount which may have been advanced from said general fund to make up any deficiency in any public improvement bond fund, or to help pay for any improvement hereafter constructed, or to redeem any bond or interest coupon issued for any improvement; provided further, that the board of mayor and aldermen shall have the power after the expiration of thirty days from the date of the final assessment for any improvement, if no bonds for said improvement have been issued and sold, to order the payment, out of the proper fund, to the contractor who constructed the improvement,

of all or any part of the assessments for said improvement previously collected, or to reimburse from said collections the general fund of the city to the extent of any money advanced out of the said general fund to pay the cost of the said improvement, and to issue and to sell bonds, as hereinbefore provided, either to the contractor in full settlements, or to others, to an amount not exceeding the balance due the contractor and the general fund of the city. And said board shall also have the power, if all the bonds issued for any improvement are owned by one person, or if, being owned by different persons, all the owners thereof consent thereto, whether said bonds were issued before or after the expiration of thirty days from the final assessment, to pay off and redeem at any time, out of the fund of which said bonds are entitled to be paid, any bonds that may be presented for payment, together with the accrued interest thereon. If there shall be any surplus arising from the sale of bonds issued for any improvement and above the cost of said improvement, said surplus shall be and become a part of the fund arising from the collection of assessments levied for said improvement, and shall be kept and applied in the same manner as said fund is herein required to be kept and applied. All proceeds arising from the collection of assessments levied for any improvement shall, as soon as collected, be deposited by the city treasurer in some bank or banks paying interest on time deposits. Said collections shall not be deposited with the general funds of the city, but shall constitute a separate deposit from the general funds of the city, but shall constitute a separate deposit to the account of the "Mayor and Aldermen of Birmingham, Public Bond Improvement," and shall be drawn out on a check or order directing the amount designated therein to be paid out of the public improvement bond fund. The city treasurer shall be liable on his official bond to any holder of the bonds authorized to be issued under this act for any loss or injury to such bond holder, caused by the failure or neglect of the city treasurer to apply to the fund out of which

Duty of city
treasurer

Duty of city
treasurer

said bond holder is entitled to be paid any money herein required to be applied to such fund, or by the diversion by said officer of any fund, or part thereof, to the payment of any bonds or interest coupons, or indebtedness to the city, other than the bonds and interest coupons entitled, and indebtedness herein authorized to be paid out of said fund, or by the use or misappropriation by said officer, or any part of the funds out of which said bonds are required, and contemplated herein to be paid, whether such use or misappropriation be for his own benefit or for the benefit of the city or others. And all members of the board of mayor and aldermen who shall, by their vote or in any other manner, cause, aid or encourage any such diversion, use or misappropriation of the funds out of which the bond holders are entitled to be paid, for any other purpose than as required herein, whereby loss or injury to the bondholders, or any of them is caused, shall be jointly and severally liable to such bond holder injured to the extent of such loss or injury.

Penalty

Sec. 63. Be it further enacted, That any city treasurer who shall divert part of a public improvement bond fund to the payment of any bonds or interest coupons other than those entitled to be paid out of such fund, or to the payment of any other indebtedness of the city, or to any other purpose, than that required by this act, or who shall use or misappropriate any of the funds out of which any of the bonds issued under the authority of this act, are required to be paid, for any other purpose than such as is contemplated by this act, whether such use or misappropriation be for his own benefit or for the benefit of the city or for others, and any member of the board of mayor and aldermen who shall, by his vote or in any other manner, order, cause, aid, encourage or abet any such diversion, use or misappropriation of such funds, or any part thereof, shall be deemed guilty of embezzlement, and be punished as if he had stolen the same.

Sec. 64. Be it further enacted, That when the amount of the fund arising from the collection of assessments levied for any improvement shall,

with its accumulations, equal the amount of the outstanding bonds and accrued interest entitled to payment out of such fund, the board of mayor and aldermen shall have authority to redeem any and all bonds that may be presented for redemption at such time thereafter as the holders thereof may desire to present them for redemption.

Redeem
bonds

Sec. 65. Be it further enacted, That the board of mayor and aldermen shall have authority to sell all property against which an assessment has been levied, at any time after said assessment shall have become due, to satisfy the same, together with all costs; and such sale shall be governed, as to notice, terms, costs, redemption, and in all other respects, except as to the time of sale, by the laws and ordinances of the city now in force, or which may be hereafter enacted providing for the sale of real estate for city taxes. But the board of mayor and aldermen shall have the power to adopt other and different laws and ordinances governing and regulating such sales of real estate for said assessments: Provided, however, That in addition to such remedy for the enforcement of the collection of said assessments, the lien of said assessments, irrespective of the amount thereof, may be foreclosed by a proceeding instituted in any Court of competent jurisdiction, and in such proceeding any number of persons, the assessment against whose property are in default, may be joined as defendants; provided further, that after the maturity of the bonds issued for any improvement are in default, the holders of said outstanding bonds, or any of them, may maintain a bill in equity in his or their own name, to foreclose the lien of said assessment, irrespective of the amount thereof, and may recover interest, cost and a reasonable attorney's fee; and in such bill any number of persons, the assessment against whom are in default, may be joined as parties defendant. In such suit the liens shall be foreclosed for the whole amount of the unpaid assessment against the property of each defendant, and the recovery shall enure to the benefit of all the bondholders.

Sale

Re-assess

Sec. 66. Be it further enacted, That if any assessment levied on property abutting on, or benefited by, any improvement authorized by this act appear to be, or be declared, invalid by reason of some mistake or irregularity in the proceedings, the board of mayor and aldermen shall have the power, at any time before the expiration of three years from the maturity of the bonds issued for the improvement for which assessment was levied, to re-assess said property, and may, when necessary, re-assess all property abutting on or benefited by said improvement the assessments for which have not been paid.

Railway
tracks

Sec. 67. Be it further enacted, That should there be a street, electric or other railroad track or tracks on any street or highway improved under this act, the cost of such improvement, except storm-water and sanitary sewers, between the tracks and the rails of the tracks, and in case there are two or more tracks, the space between such tracks, and eighteen inches on each side of the track, including switches and turnouts, shall be paid by the owner of the railroad, and shall be assessed and collected from such owner, and shall be a lien upon the railroad and the property used in connection therewith. And in the event a storm water sewer be constructed, which drains streets or avenues or rights of way on which is a street, electric or other railroad, there shall be assessed against such railroad a fair and just proportion of the cost of construction of such sewer, to be determined by the board of mayor and aldermen of Birmingham; and such assessment shall be a lien like other assessments and may be collected in like manner.

Sidewalks

Sec. 68. Be it further enacted, That nothing in this act shall be so construed as to take from the mayor and aldermen of Birmingham, or in any manner affect the power and authority to compel property owners by penal ordinance or otherwise, to repair the sidewalks in front of their property in such manner, and with such material, as may be directed and under the supervision of the city engineer or other officer or agent

of the city, or to cause such repairs to be made at the expense of the property owner.

Sec. 69. Be it further enacted, That the city treasurer shall not be entitled to, or be paid any compensation for the services required by this act to be performed by him. Treasurer

Sec. 70. Be it further enacted, That whenever in the judgment of the board, it may be necessary or expedient for the carrying out and full exercise of the powers hereby granted, the mayor and aldermen of Birmingham shall have full power and authority to acquire by purchase and condemnation the necessary lands, or rights, or easements, or interest herein, thereunder and thereover, and may proceed to condemn the same in the manner provided by the general laws of this State governing the taking of lands or the acquiring an interest therein for the uses for which private property may be taken; and such proceedings shall be governed in every respect by the general laws of the State pertaining thereto. Right to
condemn

Sec. 71. Be it further enacted, That no suit shall be maintained against the city upon any claim for money until application shall have been made to the board for the payment thereof, and the said application refused in whole or in part, or the board fail at the next meeting to act thereon. Suits

Sec. 72. Be it further enacted, That no prosecution, suit or claim whatsoever, pending or to be brought under existing laws, and no right of action accrued nor proceeding commenced, nor prosecution now or hereafter commenced for any offense already committed, nor any existing right, remedy or defense shall be impaired, affected or altered by the passage of this act; nor shall any fine, forfeiture or penalty already accrued be released or impaired thereby; but all such rights, proceedings, prosecutions, remedies, defenses, fines, forfeitures and penalties shall be enforced under the laws existing at the time they began or accrued, in the same manner as if this act had not been passed; and all existing laws and ordinances of said city adopted in pursuance of law, shall remain in force until repealed or modi- Effect of this
act

fied by the mayor and board of aldermen of Birmingham, as far as the same are not in conflict with this charter; and all powers granted by this act must be liberally construed in favor of the city to pass such laws.

Debts and
loans

Sec. 73. Be it further enacted, That no debts shall be contracted or any liabilities incurred in the future for, or on account of the City of Birmingham, except such as shall be paid out of the ordinary current revenue, collected in the year the debt or liability is contracted, except that in the event moneys in the city treasury become exhausted, the board may, by a vote of two-thirds of the members thereof, pass an ordinance, which must state the amount to be borrowed, to negotiate a loan for the use of the city: Provided, That such loan or loans shall never be for a longer period than eight months, nor at a greater rate of interest than eight per cent. per annum, and never exceed the sum of thirty-five thousand dollars at any one time; and, provided further, that the city shall never be in debt for loans of money exceeding the sum of fifty thousand dollars in the aggregate, exclusive of its bonded indebtedness.

Borrowing
money

Sec. 74. Be it further enacted, That the board of mayor and aldermen are vested with the power to borrow money on any or all property now owned by the said city, and to secure the same by note and mortgage on such property for a term not exceeding fifteen years. Such money shall be used to improve or rebuild on the particular property so mortgaged; and said board may buy property and improve the same, and for the purpose of paying the purchase money therefor, as well as for said improvements, it may authorize the execution of notes and mortgages on the particular property so purchased, to secure the money so borrowed, for the term of not more than fifteen years: Provided, however, That this provision as to borrowing money shall be in addition to and not in conflict with the power in this charter given to borrow money for temporary purposes.

Sec. 75. Be it further enacted, That the board of mayor and aldermen may, for the purpose of paying off or refunding any outstanding bonds or coupons of the city, as the same may become due or payable, issue bonds of said City of Birmingham, to run not longer than thirty years, and to bear interest at a rate not exceeding five per cent. per annum, payable semi-annually, and in such form and with such conditions and in such denominations as may be prescribed by the board; but such bonds shall in no event be sold for less than par, nor exchanged for outstanding bonds or coupons, becoming due or payable as aforesaid, at less than their face value. Bonds

Sec. 76. Be it further enacted, That this act shall be in operation from the day of its approval by the governor.

Sec. 77. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal

Approved February 23d, 1899.

No. 700)

AN ACT

(H. 1385

To more effectually secure competent and well qualified jurors for the County of Marengo.

Section 1. Be it enacted by the General Assembly of Alabama, That the county commissioners of Marengo county shall constitute a board of jury commissioners, who shall discharge and perform in said county all the duties in relation to the selection and drawing of grand and petit jurors as is required by law for said county. Each member of said board shall take an oath to faithfully discharge the duties required of them by this act and to keep secret the counsel of themselves and their associates, and to not disclose the name of any juror drawn until the venire shall have issued for said juror, which oath shall be in writing and subscribed by the members of said board as a part of their official oath, and which said oath Jury com-
missioners

must be filed with the circuit clerk of Marengo county and recorded by him upon the minute entry. Each member of said board shall receive four dollars per day for the time engaged in the discharge of their duties as such, and five cents per mile for each mile traveled attending the meetings of said board, and which is to be paid by the treasurer upon the proper certificate to be signed by the president of the board, who shall be selected by the said county commissioners from their own body.

Meetings

Sec. 2. Be it further enacted, That said jury board shall hold their first meeting on the first Monday in January of each year, and shall at said meeting draw all jurors, grand and petit, for each term of the Circuit Court to be held for that particular year, such board to meet at the courthouse at Linden, and as a majority thereof shall constitute a quorum and shall have full authority to perform all duties of the entire board; and if, for any reason, a quorum be not present at the annual meetings on the first Monday in January of each year, it shall be the duty of the president of the board to get a quorum present during said month of January, or as soon thereafter as practicable, and their acts shall be legal and have the same effect as if they met on the said first Monday; and no person other than a member of the board shall be present at any of the said meetings.

Juries

Sec. 3. Be it further enacted, That said board shall select from the male residents of the county over twenty-one and under sixty years of age, the name of such persons not exempt from jury duty, as in their opinion may be fit and competent to discharge the duties of grand and petit jurors, with honesty, impartiality and intelligence, and who are esteemed in the community for their integrity, good character and sound judgment. Said board shall prepare a list of the names so selected, stating thereon the place of residence and occupation, if known, and shall file a certified copy of said list in a sealed envelope in the office of the probate judge within five days after

making said selection. It shall be the duty of the probate judge to keep said list securely, and not to allow any one to break the seal of the envelope, or such list to be inspected by any one, save said jury board, or by the circuit judge, or upon his order.

Sec. 4. Be it further enacted, That when said list is completed, said board must write or print the name of each person therein contained, with his place of residence and occupation, if it appears upon the list, on a separate piece of paper, and must fold or roll up said piece of paper as nearly as may be in the same manner, so that each name may not be visible, and must deposit the same in a box, which said box must be secured by a sufficient seal and lock. Box

Sec. 5. Be it further enacted, That said board shall, at their sessions hereinbefore provided, proceed to draw from said box a grand jury for the spring and fall terms of the Circuit Court for the year of the drawing, and which said grand jury shall consist of not less than twenty or over twenty-four; each grand jury to be composed of persons duly qualified to serve as grand jurors; and next, the names of the requisite number of persons to serve as petit jurors for each week of each term of the Circuit Court to be held in and for said county for the year of the drawing, allowing not more than thirty-six nor less than thirty persons for each week of the term prescribed by law; and the juries for each week shall be drawn separately and successively, and every piece of paper on which is written the name of the person so drawn must be destroyed. Grand jury
Petit juries

Sec. 6. Be it further enacted, That said board shall prepare a list of the names of persons drawn as grand jurors, and as petit jurors for each week of each term, and envelope and seal same with an endorsement on the outside to the circuit clerk, and said clerk shall retain said package in his possession without breaking the seal or opening the same until thirty days before the term of Court for which said jurors are drawn; and he shall, at least twenty days before the term of Summoning

Court, open such package and issue an order in writing to the sheriff of the county, commanding him to summon the persons drawn as grand jurors to appear and serve in that capacity, and a similar order for persons drawn as petit jurors, designating the time they are to appear and specifying the name, residence and occupation of each person so drawn, when known, and the week that each petit juror is to serve, and the manner in which said order shall be executed and returned, and all proceedings had thereon shall be the same as now prescribed by law: Provided, That if any sheriff shall negligently fail to summon whom he is commanded to summon, he shall be guilty of a contempt of Court, and it shall be the duty of the Court to fine him not more than one hundred dollars, and he may also be imprisoned in the county jail for not exceeding ten days; the return of any such person not found shall be prima facie evidence of such negligence on the part of the sheriff, and shall be so punished by the Court unless he shows good cause to the contrary.

Jury box

Sec. 7. Be it further enacted, That said jury board shall deposit in the jury box a list of the names drawn as petit jurors therefrom, and also a list of the grand jurors drawn as heretofore provided, and which shall be copies of the lists furnished to the circuit clerk, as provided in the preceding section, and deposit said box, securely locked and sealed, in the office of the probate judge. The president of said board shall deposit the key to said box with the county treasurer and which said key shall be sealed in an envelope and marked by the president of the board, and the treasurer shall keep the same, but the judge or the Circuit Court shall have access to the jury box in order to compare the venire issued by the clerk with the copy of the list furnished him, as well as for drawing all special venires. If a special or adjourned term of the Circuit Court in which a jury is required is called, the clerk of said Court shall forthwith notify the president of the board, who shall have the board meet and

draw the grand and petit juries, one or both, required for such term, and shall furnish a list of the same to the clerk at least twenty days before the term in the same manner as for a regular term; and the sheriff shall be subject to the same penalties for failing to summon jurors to a special term as for failing to summon them at a regular term.

Sec. 8. Be it further enacted, That if any person summoned to attend as a grand or petit juror shall fail to obey such summons without good excuse, to be determined by the Court, he shall be deemed guilty of a contempt of Court, and if no sufficient excuse be rendered at the time of his default, a rule shall issue to him, to show cause why he shall not be adjudged guilty of such contempt and fined accordingly; if he shall fail at the next term after said notice to render an excuse, he shall be fined by the judge not more than one hundred dollars, and may be imprisoned in the county jail not over ten days. Penalty

Sec. 9. Be it further enacted, That out of the grand jurors so summoned and attending the Court shall organize a grand jury, as now provided by law; and if, by reason of sickness or non-attendance or any cause, a sufficient number shall not appear, or if the number shall be reduced below eighteen, the Court shall order the sheriff to summon from the qualified citizens of the county twice the number necessary to complete the grand jury, and from such number shall be drawn, in the manner prescribed by law, a sufficient number to complete the grand jury, which shall be composed of not less than eighteen. And out of the persons summoned as petit jurors, the Court shall organize two petit juries of twelve each for each week of the term, and if any are over they shall be held, unless in the opinion of the Court, they may be excused for the term. If a sufficient number of those summoned as petit jurors do not attend or are incompetent or excused by the Court, to constitute two juries, then the Court shall order the sheriff to summon from the qualified citizens of the county a sufficient number to complete the two juries. Completion
of juries

Capital cases Sec. 10. Be it further enacted, That when any capital case or cases stand for trial, the Court shall, at least one entire day before the same are set for trial, cause the box containing the names of jurors to be brought into the court room, and after having the same well shaken, the presiding judge shall then and there, in open Court, publicly draw therefrom not less than twenty-five or more than fifty of said names for each capital case, a list of which shall be immediately made out by the clerk of said Court and an order issued to the sheriff to summon the same to appear on the day set for trial, and under like penalties as provided for the summoning of regular grand and petit jurors; and the names of the jurors so drawn, together with a panel of the petit jurors drawn and summoned for the week of which the capital case is set, shall constitute the venires from which the jury to try said capital case or cases shall be selected: Provided, That if at any time appointed for the trial of a capital case, a jury shall not be made up of those summoned and who appear, or if said venire should be exhausted by challenge or otherwise, then the Court shall order the sheriff to summon twice the number necessary to complete the jury from the qualified citizens of the county, and from the persons thus summoned who appear, there shall be drawn in the manner required by law a sufficient number to complete the jury to try such case, and the Court shall continue to repeat the order until the jury is completed.

Capital cases Sec. 11. Be it further enacted, That the Court may, on any day of the first week of the term, fix the time for the trial of any capital case or cases for any day of a subsequent week of the term; and if the sheriff shall serve a copy of the special jury drawn to try a case, together with a copy of the jurors drawn and summoned for the week of which the same is set apart for trial, together with a copy of the indictment upon the defendant or his attorney one entire day before the day set for trial of said case, it shall be a compliance with the law requiring the service of a copy

of the jury and indictment on the defendant.

Sec. 12. Be it further enacted, That if any time when said jury board meets to draw the jurors, there should be an insufficient number of names of jurors in the box, or if they think it advisable to do so, then it is the duty of said board to proceed, as heretofore required, to prepare the necessary lists and place the same in the said box as they may deem necessary to keep the same from becoming exhausted: Provided, They shall not refill either of said boxes except at their regular meetings unless ordered to do so by the circuit judge, and which order must be complied with, within thirty days after notice of said order is served on the president by the circuit clerk, and when said order is so served, it shall be the duty of the president to call the board together and they shall comply with said order immediately. And if, in drawing a special jury for the trial of a capital case, the names shall become exhausted, said trial should not be delayed, but the Court shall direct the sheriff to summon from the qualified citizens of the county the specified number to complete said venire and proceed with the trial.

Refilling
boxes

Sec. 13. Be it further enacted, That the State Challenges is entitled to fourteen peremptory challenges on the trial of a capital offense, to four, on the trial of any felony not capital; to three, on the trial of any misdemeanor, and to four, on the trial of bastardy proceedings; the defendant is entitled to twenty-one peremptory challenges, when on trial for a capital offense; to eight, when on trial for any felony not capital; to five, when on trial for a misdemeanor, and to six, when on trial in bastardy proceedings. When two or more defendants are tried jointly for a capital offense, each defendant is entitled to eleven peremptory challenges; on the trial of two or more defendants for any felony not capital, each defendant is entitled to four peremptory challenges, and on the trial of two or more defendants for a misdemeanor, each defendant is entitled to three peremptory challenges. In civil cases it shall be a ground of pe-

remptory challenge that a juror is plaintiff or defendant in any case which stands for trial during the week of the term of which he is challenged. It shall also be a ground of challenge in any case that a juror is related to any party or attorney who was his attorney of record in the cause to be tried before the case was called for trial by consanguinity within the ninth degree or affinity within the fifth degree, or is a partner in business with such party. In all civil cases the plaintiff and defendant shall each be entitled to five peremptory challenges, and only to the same number where there are two or more joint plaintiffs or defendants: Provided, That nothing herein contained shall repeal any common law right of challenge for cause.

Penalty

Sec. 14. Be it further enacted, That any member of said jury board who wilfully or negligently fails to discharge any of the duties required of him by this act, or shall engage in drawing a jury or juror in any other manner or order than herein provided shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than one thousand dollars.

Corruption

Sec. 15. Be it further enacted, That any person who shall attempt to corruptly influence any member of said board, or any other officer charged with the execution of a duty under this act, in the performance of any of his duties shall, on conviction, be fined not less than one thousand dollars, and shall also be imprisoned in the State penitentiary for not less than two nor more than ten years, and shall ever be disqualified from holding any office of honor, trust or profit in the State of Alabama.

Exempt

Sec. 16. Be it further enacted, That said board shall, as far as possible, guard against selecting any person exempt by law from jury duty, and to this end may avail themselves of any source of information in reach; and no person shall be eligible to serve on two regular juries in succession the same year.

Sec. 17. Be it further enacted, That no person within the specified age shall be exempt from

jury duty except national, State and county officials, practicing lawyers, dentists and physicians, active members of the Alabama National Guard, members of the Eagle Hook and Ladder Company No. 1, of Demopolis, ministers of the gospel in charge of the churches and school teachers and those who are physically unable to serve.

Sec. 18. Be it further enacted, That the provisions of this act as to drawing, summoning and selecting of jurors are merely directory and juries so selected, drawn and summoned, whether at an earlier or later day, must be deemed legal and possess all the powers to perform the duties of grand and petit jurors respectively and no objection can be taken to any venire for a petit jury except for fraud in drawing or summoning the jurors. Directory

Sec. 19. Be it further enacted, That at the first meeting of the board, they shall get the present jury box and empty the same, and destroy all lists therein as well as all lists of jurors drawn previous to said meeting and shall proceed to draw juries to serve for the next two courts according to the terms and requirements of this act. Duties at first meeting

Sec. 20. Be it further enacted, That whenever a special venire is drawn in a capital case by the presiding judge the slips drawn by him shall be sealed and put in an envelope and filed with the clerk for reference, if necessary, during the progress of the trial but said slips shall be put back in the box from which they are drawn so soon as any disposition is made of the case for which they are drawn, either finally or for the term. Special venires

Sec. 21. Be it further enacted, That all laws or parts of laws in conflict with this act, be and the same are hereby repealed. Repeal

Approved February 23d, 1899.

No. 701-

AN ACT

(H. 690)

To amend section 4 and 31 of an act entitled "An Act to incorporate the town of Goodwater, in Coosa County, Alabama," approved December 18th, 1894, and to increase the jurisdiction of the mayor and aldermen of said town.

Section 4
amended

Section 1. Be it enacted by the General Assembly of Alabama, That section four of the above entitled act be and the same is hereby amended to read as follows, to-wit: "That an election shall be held in said town on the first Monday in July 1900 and biennially thereafter except when the first Monday shall be the fourth day of said month, in which event the election shall be on the second Monday in said month for the purpose of electing a mayor and five aldermen and a marshal.

Section 31
amended

Sec. 2. Be it further enacted, That section 31 of said act be and the same is hereby amended to read as follows, to-wit: that the board of mayor and aldermen shall appoint a clerk and treasurer, and may appoint an attorney and such other officers as they may deem necessary for the good government of said town, and may prescribe their duties, liabilities and powers, and may require them to give bond in such sum as they may deem proper and necessary for the discharge of their duties, and may discharge and remove such officers on good cause being shown and shall have authority to fix their compensation, and for any breach of the bond of such officers, suit may be brought and a recovery had for the use of the town, before any court or officer having jurisdiction of the case. The clerk shall keep a regular record of all the proceedings, regulations and by-laws of said town, which shall be read to the board of mayor and aldermen and signed by the mayor or acting mayor, and when signed the same shall have the force and effect of a record, and a copy thereof may be proved by the seal of the corporation, attested by the clerk, and said

record shall at all times be open to public inspection.

Sec. 3. Be it further enacted, That the mayor and aldermen of said town shall have authority to appropriate, and dispose of the money that may be in the treasury of said town, in any way they may see proper, provided they do not go outside the corporate limits of said town.

Disposition of
money

Approved February 23d, 1899.

No. 702)

AN ACT

(H. 995

For the relief of A. B. McEachin.

Whereas, The State seems to be indebted to A. B. McEachin for his legal services as attorney for the State in an action in which the Alabama Great Southern Railway Company was plaintiff, and the auditor of the State of Alabama and the tax collector of Tuscaloosa county were defendants; and

Preamble

Whereas, It further appears that the said defendants were enjoined, in said action, from collecting the taxes which the auditor and the State board of assessors had assessed against the said railroad for the year 1872, amounting to about \$14,000.00, by the Circuit Court of Tuscaloosa county, the said proceedings being removed by the plaintiff from the State Court to the District Court of the United States at Montgomery, and from thence appealed to the U. S. Circuit Court at Mobile, from whence it was remanded to the Circuit Court of Tuscaloosa county; and, whereas, A. B. McEachin was employed by Governor O'Neal, without a fixed fee, to represent the State in said litigation; and, whereas, he argued said case in behalf of the State in the Circuit Court of Tuscaloosa county; in the District Court at Montgomery on two occasions, and likewise on two occasions in the Federal Court at Mobile, the said case being finally dismissed by the plaintiff in 1890, the said McEachin not having received a dollar for said services; therefore,

Appropriation Section 1. Be it enacted by the General Assembly of Alabama, That the auditor of the State be and is hereby authorized to draw his warrant on the State treasurer for the sum of five hundred dollars in favor of A. B. McEachin, as attorney for representing the State in the case of the Alabama Great Southern Railroad against the auditor of the State, and the tax collector of Tuscaloosa county.

Approved February 23d, 1899.

No. 704)

AN ACT

(H. 1132

To amend an act entitled "An act to amend the charter of the City of Uniontown, County of Perry, State of Alabama," approved February 16th, 1885, and the acts amendatory thereof.

Section 3 amended Section 1. Be it enacted by the General Assembly of Alabama, That Section 3 of an act entitled "An act to amend the charter of the City of Uniontown, County of Perry, State of Alabama," approved February 16th, 1885, be amended so as to read as follows: "Sec. 3. Be it further enacted, That the government of said city shall consist of and its corporate powers be exercised by a mayor and six (6) councilmen, who shall be qualified voters of said city, and who, together with the marshal of said city, shall be elected as herein provided, annually, on the first Monday in March, by ballot, by the male inhabitants of said city, of or over the age of twenty-one (21) years, who are citizens of the United States, or who have legally declared their intention to become so, and have resided in the State of Alabama twelve (12) months, and in the city three (3) months next preceding such election, and are qualified electors under the general election laws of the State, and are registered as hereinafter provided; and should the election not take place on the day fixed for the annual election of mayor, councilmen and marshal, the corporation for that cause shall not

Elections

be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified; and it shall be the duty of the mayor and councilmen to fix some day as early as convenient within one month thereafter on which day the said election shall be held; and should the mayor and councilmen fail or neglect to provide for the election as herein directed, they shall be guilty of a misdemeanor. And in case of a vacancy from any cause, either in the office of mayor, councilmen or marshal, the vacancy shall be filled by election by the remaining members of the board of mayor and councilmen, at its next regular meeting after such vacancy occurs. For the time being, the present mayor and councilmen and marshal are to continue in office until their successors are duly elected and qualified as hereinbefore provided."

Sec. 2. Be it further enacted, That Section 15 of said act be amended so as to read as follows: "Sec. 15. Be it further enacted, That the board may appoint policemen, a clerk, tax collector, tax assessor, treasurer, street superintendent, public weigher, and such other officers and employees as they may see fit and think necessary for the good government of said city, and to carry out the powers herein granted: Provided, however, That no person shall be eligible to hold either of said offices enumerated above, nor the office of marshal, who shall be a non-resident of said town at the time of the election or during his term of office. And the said board may prescribe the duties, liabilities and powers of the marshal, and such other officers, and may require them to give bond in such sum as they see fit for the faithful discharge of their duties; they shall fix their salaries and compensation (and may remove and discharge any of its officers or employees at pleasure), and if there should be a vacancy from any cause in the office of marshal, or in any of the other offices mentioned above, the mayor shall have the right to fill such vacancy by appointment, and the person so appointed shall discharge the duties of such office until the va-

Section 15
amended

City officers

cancy is filled by election by the board as provided for in Section 3 of said act, as amended herein. For any breach of the bond of any of such officers herein mentioned, suit may be brought in the Circuit Court of Perry county, Alabama, or before any Court having jurisdiction of the same, and such suit may be governed in the same manner as other like suits. The board shall keep a regular record of all proceedings, orders, regulations, resolutions and ordinances of the board, which shall be read to the board and signed by the mayor or acting mayor when approved by the board, and the same shall have the force and effect of a record, and a copy thereof certified by the clerk shall be prima facie evidence in any Court of record or elsewhere, and such record shall, at all times be open for inspection by the public."

Section 17
amended

Sec. 3. Be it further enacted, That an act approved December the 5th, 1896, entitled "An act to amend an act entitled An act to amend the charter of the City of Uniontown, County of Perry, State of Alabama," approved February 16th, 1891, be amended so as to read as follows: "Section 1. Be it enacted by the General Assembly of Alabama, That the act entitled 'An act to amend the charter of the City of Uniontown, County of Perry, State of Alabama,' approved February 16th, 1891, be amended so as to read as follows: 'That Section 17 of an act entitled "An act to amend the charter of the City of Uniontown, County of Perry, State of Alabama," approved February 16th, 1885, be amended so as to read as follows: That the said mayor and councilmen shall have full and complete power: 1. To make, adopt and declare motions, by-laws, ordinances in whatever manner and upon whatever subject, to carry out the power herein granted and for the good government and order of said city, as they may think proper, and affix thereto such penalties for a violation of the same by fine not exceeding \$100, and by imprisonment or hard labor for the city not exceeding ninety days, one or both; and all persons convicted for breach of any by-laws or ordinances failing to pay or secure such fine

Powers

may be imprisoned for such failure or placed to hard labor for the city until such fine and costs are paid in such manner as the board may direct, not longer than ninety days. 2. To pass all laws and ordinances necessary and proper to prevent contagious and infectious diseases from being introduced into said city, and to preserve the health thereof; to establish and regulate a board of health; to establish and regulate an effective quarantine within said city and within ten miles thereof, and to punish any breach of quarantine laws. 3. To prevent and remove all nuisances at the expense of the person causing the same, or upon whose premises the same may be found. 4. To establish, set up and regulate hospitals and poor houses, work houses and houses of correction. 5. To license, tax, regulate or restrain theatrical or other amusements; the selling, retailing or giving away of spirituous, malt or intoxicating liquors. 6. To restrain or prohibit gaming houses, houses of ill fame, disorderly conduct, breaches of the peace, riots and all unlawful assemblies and public indecencies. 7. To appoint and regulate night and day watchmen, police patrol and officers thereof. 8. To divide the city into wards and to regulate and change the same. 9. To establish, regulate and control markets and market houses, and to license the same; to license peddlers in a wagon, on horseback or on foot; bowling alleys or billiard tables, or tables of any device or kind from which any kind of profit is derived to the keeper; dealers in pistols, bowie knives, dirk knives or brass knuckles; peddlers of medicine and articles of like character; the selling of sewing machines, auctioneers, and all transient persons who offer goods of any kind for sale at auction on the streets or in storehouses; feats of legerdemain, or slight of hand, or other exhibition or entertainment, concerts or lectures when an admission fee is charged; and to regulate and license the selling of fruits, beef, pork, mutton, fish and other like commodity upon the streets of said city; and to regulate and license carriages, hacks, wagons, drays and carts kept

Powers

Powers

for public use; to tax and license livery stables, and horse and mule drivers; keepers of stud horses, jacks and bulls: Provided, The sum charged for such licenses do not exceed the sums established by the revenue laws of the State when there is any charge made by said laws except as hereinafter provided. 10. To sink, repair and regulate public wells and cisterns; to establish water works, and gas works, and when the same are located without the corporate limits, to have all needful power and jurisdiction over the same; to establish and regulate street lamps, fire plugs and hydrants, and control the same. 11. To open new streets, to widen or change the direction of streets upon making compensation to the owners of land taken for public use, as hereinafter provided. 12. To establish and build drains, sewers and reservoirs, and to compel the owners of lots or real property to ditch or drain the same at the expense of the owner, and to punish the owner or person in charge of the same for refusal or neglect to comply by fine or imprisonment or both. 13. To establish and lay out public parks, and regulate the same. 14. To establish, regulate or change the fire limits within said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden buildings or structure, paying the owner thereof a reasonable price therefor. 15. To lay out, regulate and control cemetery and burial grounds, and to sell lots in the same. 16. To prevent the running at large on the streets all cattle, hogs, dogs or other animals, or fowls of any description, and to pass all laws necessary for the sale and impounding of the same. 17. That the mayor and councilmen of Uniontown shall have exclusive power and authority to levy, assess and collect a poll tax from the inhabitants of said city liable to such tax, of not exceeding \$5.00 per capita, to be used and applied as the board may direct, said tax to be assessed and collected by such officers as the board may appoint under such rules and regulations as the board may prescribe, such officers to have the same rights, powers and rem-

edies for the collection of the said poll tax as are now given to the tax collector and other officers of Perry county. 18. To regulate and control the running of engines or trains within the corporate limits of said city. 19. To pass all laws necessary and proper for the arrest, with or without warrant for any person against whom there is a charge made of violating any city or State law, and to confine such person, until tried, convicted or discharged by law. 20. To make and ordain all necessary laws concerning idlers, paupers, vagrants and disorderly persons in correcting or restraining their vicious habits; and all persons convicted of a breach of the by-laws and ordinances of said city failing to pay such fine and costs that may be imposed by the Court trying the same may be placed at hard labor for the city until such fine and costs are paid; and in case any person put to hard labor for the city fail to work faithfully, he may be tried for such failure by the mayor or acting mayor, and if convicted shall be punished by fine not exceeding one hundred dollars, and by additional hard labor not exceeding thirty days, one or both. 21. To punish all persons who in any manner obstruct the marshal or other officer in the lawful discharge of his duty, or any person who, when called upon to assist in the arrest, fails to render such assistance. 22. To pass by-laws and ordinances in relation to auctioneers carrying on their business on the streets, and to regulate and prohibit the same. 23. The said board shall have power to pass and establish inspection laws within the city for the weighing and marking of all kinds of produce and provision for man and beast, and to provide for the inspection and gauging of wines, liquors, malt liquors, kerosene and illuminating oils. 24. To regulate and control the manner of building partition walls and partition fences, and to regulate the keeping, carriage and storage of gunpowder, blasting powder, wool rags, and other explosive or combustible materials within said city; to regulate and control the cleaning and sweeping of chimneys;

Powers

the use of lights, stove pipes and flues in all stores, warehouses, shops, stables, kitchens, residences, offices and other places within the corporate limits and in the territory over which the said corporate authorities may have police jurisdiction. 25. The said board shall have power to pass by-laws, ordinances and resolutions for the grading and paving of any sidewalks in said city, and provide for the payment therefor in such manner as shall not be inconsistent with the constitution of this State. 26. The said board shall have power to pass by-laws or ordinances and regulations for the erection of any house or building within said corporate limits, by requiring the applicant before the erection of any building, to obtain a permit for the erection of the same from the board, under such rules and regulations as they may prescribe. 27. They shall have full power to regulate and prevent slaughter houses, and to regulate or prevent the penning of stock, hogs or cattle within the corporate limits. 28. Any officer may be removed by a two-thirds vote of the board at a regular meeting of the same: Provided, That the party shall be given ten days notice of the charge or charges against him before the board; after a regular hearing of the same, shall vote upon the charge or charges as preferred, which shall in all cases be specified. 29. The board shall have power to pass by-laws, ordinances and resolutions for the licensing of such business and vocations as are now licensed by the State: Provided, Such license does not exceed the revenue laws of the State, except as hereinafter specified; and to impose and collect licenses on the following businesses not licensed by the revenue laws of the State, and other businesses, whether licensed by the State or not, the same not to exceed the following amounts: Auctioneers, \$100; barber shops, for each chair, \$10; banks and bank agents, and dealers in exchange, \$50; commission merchants and brokers, whether by sample or otherwise, \$50; express companies, each, \$50; hotels, each, \$25; restaurants, each, \$25; life, fire and other insurance companies (ex-

cept such as are under the control of secret and fraternal societies) each, \$10; livery stables, \$25; livery and sale stables, \$50; dealers in fish and oysters, either, \$25; transient physicians or venders of patent medicines, \$50; undertakers, \$25; keepers of studs or jacks and bulls, \$25; telegraph companies, \$50; carts, drays, wagons, hacks, coaches or omnibuses, \$25; warehouses and public weighers, \$50; dealers in commercial fertilizers, \$25; dealers (other than general dealers) in wagons, buggies or carriages, not manufactured in the town, \$25; watchmakers doing business for themselves, each, \$10; tin shops, each, \$10; bakers, each, \$10; printing offices, \$10; coal or wood yards, each, \$10; lumber yards, each, \$25; brick yards or dealers in brick, \$10; dancing schools, \$10; skating rinks, \$10; ice cream saloons, \$10; real estate agents, \$25; telephone exchanges, each, \$100; plumbers or gas fitters, each, \$10; ice factory, \$25; lightning rod agents, \$25; drummers or commercial agents selling to consumers, each, \$50; retailers of liquors (bar rooms), \$1,200; wholesale liquor dealers, each, \$1,200; photographers, each, \$25; peddlers on foot, on horseback or in wagons, \$50; fruit venders from stands, or on streets, \$50; beef, pork, mutton or vegetable venders, after certain hours, \$25; horse and mule drovers, \$100; dealers in second-hand clothing, other than cast-off garments from their own wardrobes, \$300; cotton seed buyers, \$100; on dogs, provided, however, that one dog shall be exempted for each head of family householders, \$15. The said board shall have power to assess, levy and collect taxes on all property in said city, for each year, not exceeding one-half of one per centum on the value thereof, as assessed for State taxation the previous year which said taxes shall be assessed and become due and delinquent at the same dates as the State taxes are by law. 30. That the mayor and councilmen are hereby authorized annually to appropriate as much as ten per cent. of the general revenue of said city, and all or any portion of the revenue arising from licenses granted and issued

Powers

Powers

by said mayor and council for the benefit and support of the free public schools in said city. That the City of Uniontown, Perry county, shall have the power to levy and collect the same licenses on all persons selling vinous, spirituous, or malt liquors, or any other article for which said city requires a license, when conducted within the corporate limits of said city, when said business is carried on within half mile of the corporate limits of said city, and the city council of Uniontown shall have power to pass and enforce all ordinances necessary to carry out the provisions of this section."

Sec. 4. Be it further enacted, That this act shall go into effect and become operative immediately upon its passage and approval by the governor.

Approved February 23d, 1899.

No. 705)

AN ACT

(H. 994

To amend an act approved February 18th, 1895, entitled "An act to authorize the Commissioners Court of Tuscaloosa County to establish districts in which stock may be prevented from running at large.

Section 4
amended

Section 1. Be it enacted by the General Assembly of Alabama, That Section 4 of an act approved February 18th, 1895, entitled "An act to authorize the Commissioners Court of Tuscaloosa County to establish districts in which stock may be prevented from running at large," be and the same is hereby amended so as to read as follows: "Sec. 4. Be it further enacted, That whenever any damage has been committed to any property in any district established by said Court, as above provided, by stock running at large in violation of the provisions of Section 3 of this act, the person whose property has been damaged or injured shall have a lien on the stock doing the damage for compensation therefor, which lien may be enforced by attachment in the following manner:

The person whose property has been injured shall within ten days after such damage has been committed make complaint to a justice of the peace or notary public with the powers and jurisdiction of a justice of the peace of the precinct in which such damage was done, or if there be no such justice or notary public competent to try the cause in such precinct, then to a justice of the peace or notary public with the powers of a justice of the peace in any adjoining precinct in said county, describing the property damaged and the stock doing the damage, and setting forth the amount of damages claimed and the name of the owner of the stock, if he be known, or if unknown, stating the fact that he is unknown, and verified by affidavit of the complainant or his agent having charge or superintendence over the property damaged, and thereupon such justice of the peace or notary public shall issue an attachment against the stock described in the complaint, upon the complainant giving bond with good sureties, in twice the amount of the damage claimed, conditionable and payable as in other attachment cases, and shall also issue notice to the owner of said stock, if the owner be known, commanding him to appear and answer such complaint on a day not less than five nor more than ten days from the filing of such complaint; or if the owner be unknown, shall cause a copy of the complaint to be posted in three public places in the precinct in which such damage has been committed, ten days before the trial of the cause, setting forth therein the day of such trial. Said justice of the peace or notary public shall also issue notice to three disinterested freeholders, to be selected by him, who reside in the precinct in which such damage has been done, commanding them to assess and report to him on the day set for the trial of such cause, on their oaths, the extent and amount of the damage sustained by the complainant, which report shall be evidence on the trial of the cause; and if the owner of such stock appear on the day set for the trial, the justice of the peace or notary public shall try the cause and render judgment

Trials

Trials

therein according to the evidence; but if the owner of the stock does not appear and answer, the justice of the peace or notary public shall give judgment for the complainant for such damages as he may have sustained against the owner, if he be known, or if the owner be unknown, shall render judgment, ascertaining the amount of damages sustained by the complainant, and condemning the stock to be sold for the satisfaction of such judgment and costs of suit; and if judgment be rendered against the owner of the stock, judgment shall also be rendered condemning the stock to be sold for the satisfaction of such judgment and costs. If judgment be rendered for the complainant, the justice of the peace or notary public shall also issue an order of sale describing therein such stock, and commanding any constable of said county to sell such stock for the satisfaction of such judgment and costs of suit, and such sales shall be conducted as sales under executions issued by justice of the peace; such justice of the peace or notary public may also issue execution against the owner of the stock for such damages and costs as shall not have been satisfied by the sale of such stock as herein provided: Provided, however, That any constable of said county, or person deputized by the justice of the peace or notary public for such purpose, may execute all the process provided for herein, except the orders of sale and executions, which shall be executed only by a bonded constable or the sheriff of said county.

Approved February 23d, 1899.

No. 706)

AN ACT

(S. 444

For the improvement of roads in Tuskaloosa
County.

Be it enacted by the General Assembly of Alabama as follows, to-wit:

Section 1. That at the first regular meeting of the Court of County Commissioners of said county

after the passage of this act, and at the first regular meeting of said Court in each year thereafter, said Court of County Commissioners shall appropriate and set apart out of the taxes levied for general purposes in said county such sum as the condition of the county treasury will warrant, but in no case less than one-seventh (1-7) of one per centum of the total assessed valuation of the property of said county, which sum shall be a part of the one-half of the one per centum authorized by law for general county purposes. Said fund shall be known as the "Road Fund" of Tuscaloosa county, and shall be kept by the county treasurer separate and apart from all other funds and shall be used exclusively for the improvement of the public roads of Tuscaloosa county, as hereinafter provided.

Road fund

Sec. 2. All persons not exempt by law from road duty shall be liable to work on the public roads of said county, exclusive of the time required to open up new roads, not less than four nor more than ten days in any one year. At least five days before the time for each working of a road precinct the overseer shall serve on each person liable for road duty thereon a written or printed warning, to be furnished by the supervisor. Any person may commute all of the time required of him for working on the public road each year, exclusive of the time required to open up new roads, by paying to a justice of the peace or notary public who is ex-officio justice of the peace in his beat, or to the county tax collector, two dollars taking a receipt for same, and presenting said receipt to the overseer, who shall forward same to the supervisor. The supervisor shall deliver these receipts to the county treasurer, who shall use them for verifying the returns of commutation road moneys made by the tax collector and by the justices of the peace and notaries public who are ex-officio justices of the peace. Any discrepancies that may appear shall be reported by the treasurer to the supervisor. All moneys so collected by the tax collector and by justices of the peace and notaries public shall be, within 30 days from date of receipt, forwarded

Work on
roads

Road tax

Fee

to the county treasurer with a statement of persons by whom said moneys were paid, and shall become a part of the road fund, and shall be expended by the supervisor in the road precinct from which the money was collected. The tax collector and the justices of the peace and notaries public who are ex-officio justices of the peace, shall be entitled to a fee of ten cents in each case in which commutation money is paid to them. Said fee shall be paid by the person whose time is commuted. Commutation for work in opening new roads may be made in the aforesaid manner at the rate of 50 cents per day for the required time, as estimated by the overseer.

Supervisor

Sec. 3. Murk Findley, a citizen of said county, is hereby appointed the road supervisor for Tuskalooosa county until January 1, 1902, and until his successor is elected and qualified. His successors shall be citizens of said county and shall be practical and experienced road engineers. They shall be elected by the county commissioners of said county at their last regular meeting prior to January 1, 1902, and every four years thereafter. Each supervisor shall hold the office until his successor is elected and qualified. The Court of County Commissioners shall have the right to remove the road supervisor for cause, but no supervisor shall be removed without ten days notice and a hearing before the Court. Vacancies in the office of supervisor occurring from any cause whatever, shall be filed with the Court of County Commissioners as soon as convenient and practicable.

Bond

Sec. 4. Before entering upon the duties of his office, the road supervisor shall execute a bond with good and sufficient securities, in such sum as the judge of probate shall prescribe, not less than five thousand dollars, to be approved by the said judge of probate, and filed in his office with condition to faithfully discharge the duties of his office.

Duties

Section 5. The duties of the road supervisor shall be as follows, to-wit: 1. To have and exercise a general supervision over the public roads of the county. 2. To procure a list of the road

overseers of the county, and he shall have power to appoint, remove, and re-appoint overseers at his discretion. 3. To procure, as soon as practicable after his appointment, and thereafter preserve a full and complete list of the road hands of the county, and of the road precinct to which they are appointed. He shall have power to change the road precincts and reapportion hands at his discretion. 4. To make, as soon as practicable, a full and complete map of the public roads of the county, and change the same from time to time, which map shall be kept open to inspection at all times in the office of the judge of probate of said county. 5. To personally visit and inspect the public roads of the county. 6. To disburse all moneys belonging to the road fund of the county, by warrants drawn on the treasurer, and to take and preserve vouchers for all money so drawn, which vouchers shall be filed in the office of the judge of probate on or before the first day of January of each year, and the same shall be preserved by the judge of probate. 7. To procure, at the expense of the county, a book in which shall be entered the name and number of each road precinct in the county, the name of the overseer, the date of his appointment, and a complete itemized statement of all the funds paid out on account of said road precinct, to whom paid and date of payment. Said book shall be open to inspection in the office of the road supervisor or of the probate judge at all times by the citizens of the county. 8. To recommend in writing to the Commissioners Court any changes in the location of roads he thinks advisable, in order to lay the same on better ground or shorten the distance, together with an estimate of the probable damages to land owners by such proposed changes. When changes which will lay the road over better ground or shorten the distance can be made with the consent of the land owners without cost to the county, the supervisor shall have power to make such changes without an order from the Court of County Commissioners. 9. To recommend to the Commissioners Court the opening of

Duties

new roads and the discontinuance of old roads, where the public travel does not require the same, or the expense of maintaining them is disproportionate to their public utility. 10. To perform such other duties as are, or may be, prescribed by law.

Direction

Sec. 6. In the improvement of the public roads of the county, the road supervisor shall have a broad discretion. He may expend such part of the road fund as may be necessary in the purchase of road tools and machines, and may hire men, teams, vehicles, etc., as needed, and at the lowest market rate. He shall direct and supervise the work of overseers, and to overseers whom he may deem honest and competent he may set apart and pay over, to be expended by them, such road funds as may properly belong to their several road precincts. The supervisor shall hold overseers to a strict account in writing for all money so expended. The road supervisor shall, as far as practicable, personally superintend and direct all important road improvements. When it is necessary or desirable to carry on important work at the same time and in different parts of the county, the supervisor may employ, at his discretion, special overseers to aid him in directing the work. He may also let contracts privately or publicly to the lowest responsible bidder for special pieces of work. All such contract shall be in writing, and shall contain full specifications of the work to be done, and the compensation to be paid.

New roads

Sec. 7. New roads shall be established and old roads discontinued or changed as now provided by law, but the road supervisor shall be ex-officio one of the number of viewers appointed to mark out the proposed roads, and assess the damage to land owners. If, on viewing the proposed route, it shall be ascertained by the viewers that a public road cannot be made on said route without excessive labor and expense, in proportion to the public benefit to be derived therefrom, they shall so report to the Court of County Commissioners, who may thereupon set aside the order granting the proposed road.

Sec. 8. The road supervisors shall have power to procure by donation or purchase any gravel beds or rock suitable for macadamizing or graveling roads for use on the public roads of the county. In the event such gravel beds or rock cannot be procured at a reasonable cost, the Court of County Commissioners shall have power to condemn the same for such use upon hearing, held after thirty days notice to the owners, and shall order the payment of the damages out of the road fund. The owner may appeal to the Circuit Court within thirty days after such judgment of condemnation, upon giving bond for costs in such sum as the judge of probate may prescribe, and with sureties approved by him. Such appeal shall be tried de novo.

Power to
condemn

Sec. 9. The Court of County Commissioners may work the county convicts on the roads of Tuskaloosa county under such regulations as they may prescribe.

County
convicts

Sec. 10. The road supervisor shall receive as compensation for his services the sum of seven hundred and fifty dollars per annum, which shall be a charge on the road fund, and shall be payable in equal installments on the first days of April, July and October and on the last day of December, by warrants drawn by the judge of probate on the county treasurer.

Compensa-
tion

Sec. 11. Any officer or person who shall wilfully fail to discharge the duties imposed on him by this act shall be guilty of a misdemeanor and, on conviction, be fined not more than fifty dollars.

Penalty

Sec. 12. It shall be the duty of the supervisor and overseers to faithfully endeavor to perfect a good system of public roads in Tuskaloosa county by relocating the same when not properly located, by grading and draining the same with suitable ditches and drains alongside of, and with culverts across the same, and when properly graded, by graveling or macadamizing where needed as rapidly as the resources at hand will permit.

Good system

Sec. 13. All laws, civil and criminal, now in force in this State relating to the public roads and not in conflict with the provisions of this act shall be and remain in full force and effect.

In force

Printed

Sec. 14. It shall be the duty of the judge of probate to have printed, at the expense of the road fund, as soon as practicable, not less than one thousand copies of this act, and distribute a copy to each overseer and justice of the peace and notary public who is ex-officio justice of the peace of the county.

Fund

Sec. 15. All moneys that are now on hand and belonging to the "Road Fund" of said county shall be and constitute a part of the "Road Fund" provided by this act.

Repeal

Sec. 16. All laws and parts of laws that conflict with the provisions of this act are hereby repealed.

Approved February 23d, 1899.

No. 712)

AN ACT

(S. 74

To provide for furnishing the offices of the United States Marshal and Clerk with copies of the Code of Alabama, 1896.

Code of 1896

Be it enacted by the General Assembly of Alabama, That the Secretary of State be and is hereby authorized and directed to furnish one copy of the Code of 1896, each, to each United States marshal and clerk of the Southern and Middle Districts of Alabama, and two copies each to the United States marshal and clerk of the Northern District of Alabama, for use in their respective offices; upon condition that the copies so furnished shall belong to the office, and that those furnished the clerk shall be kept in the Court room for the use of the Court when in session.

Approved February 23d, 1899.

No. 714)

AN ACT

(S. 260

To relieve George Campbell, Mary Campbell and Ella Campbell, of the disabilities of minority.

Section 1. Be it enacted by the General Assembly of Alabama, That George Campbell, Mary Camp-

bell and Ella Campbell, minors under the age of eighteen years, and each of whom now reside in the County of Tallapoosa, be and they are hereby relieved of the disabilities of non-age, and that each of them shall have the right to sue and be sued, contract and be contracted with, buy, sell, mortgage and convey, real, personal or mixed property, and to do and perform any and all other acts which may be done by persons of full age, under the laws of Alabama, as if they were each twenty-one years of age. Relief

Approved February 23d, 1899.

No. 715)

AN ACT

(S. 266

To amend Section 1 of an act entitled "An act to preserve game, animals and birds in the Counties of Washington, Clarke and DeKalb."

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of said act shall be amended so as to read as follows: "That it shall be unlawful in any place in the Counties of Washington, Clarke and DeKalb to catch, kill or injure, or pursue with such intent, any wild duck, deer, doe or fawn, between the first day of March and the first day of October; and it shall be unlawful to catch, kill or injure, or to pursue with such intent, any wild turkey between the first day of April to the first day of October; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any turtle dove between the first day of March and the 15th day of July, and it shall also be unlawful to catch, kill or injure, or pursue with such intent, any partridge between the fifteenth day of March and the first day of October: Provided, That this act shall apply only to the County of Clarke. Game law

Approved February 23d, 1899.

No. 716)

AN ACT

(S. 100)

To establish a separate school district, to be known as the Guntersville School District, in Marshall County, Alabama.

Corporate limits Section 1. Be it enacted by the General Assembly of Alabama, That the territory situated within the corporate limits of the town of Guntersville, in Marshall county, Alabama, shall constitute a separate school district, to be known as the Guntersville School District.

School fund Sec. 2. Be it further enacted, That the said district shall receive all public revenues belonging to the school fund or otherwise appropriated to said district, or otherwise provided for by law, and said funds shall be managed and controlled by a board of trustees, who shall be appointed by the State superintendent of education of the State of Alabama, and shall hold their office for the term of two years, and until their successors are appointed and qualified; and said board of trustees shall constitute a separate board of trustees for said school district, and shall have all the authority and shall exercise all the power of township trustees as is now or may hereafter be provided for by law.

Treasurer Sec. 3. Be it further enacted, That one of the trustees so appointed by the superintendent of education shall be selected by the mayor and councilmen of the town of Guntersville as a treasurer for said school funds, and that he be and is hereby authorized to receive and receipt for all public funds due said Guntersville district, and pay the same out upon the order of the board of trustees, only; and that said board is hereby authorized to select from its body, one member as a president of said board of trustees, who shall report semi-annually the condition of the treasury, and of the public schools in said Guntersville district to the board of mayor and councilmen of the town of Guntersville.

Sec. 4. Be it further enacted, That the person so appointed by the board of mayor and council-

men of the town of Guntersville as the treasurer of said board of trustees, shall, before entering upon the duties of his office, make and file in the office of the probate judge of said county, a bond, conditioned to faithfully perform all the duties required of him by law, payable to the State of Alabama, in the sum of three thousand dollars, to be approved by the mayor of the town of Guntersville.

Bond

Sec. 5. Be it further enacted, That the board of trustees of public schools shall make out an account and settlement of their trusts semi-annually, and appear before the board of mayor and councilmen and make a complete settlement of their trusteeship; and that the account, when so made and passed and allowed by the board of mayor and councilmen, shall be recorded on the minutes of the board of mayor and councilmen, and shall be a public record, open for inspection of the public at all times.

Duties of
trustees

Sec. 6. Be it further enacted, That at time and after the settlement by the board of trustees with the board of mayor and councilmen, as required by Section 5 of this act, the treasurer of said public school fund referred to shall produce the money before the said board of mayor and councilmen, and the same shall be counted, and the exact amount on hand shall be entered of record on the minutes of the said mayor and councilmen, and such entry shall be conclusive evidence of the amount in any Court in this State.

Duties of
treasurer

Sec. 7. Be it further enacted, That after the treasurer shall have made and filed the settlement, and produced the money as required in the two preceding sections of this act, and not till then, the mayor and council may allow the treasurer as compensation for his services, a commission of not over five per cent. on amounts paid out and credited to him on his settlement.

Compensa-
tion

Sec. 8. Be it further enacted, That any person or officer violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction may be fined not less than one hundred dollars and may also be sentenced to hard

Penalty

labor for the town of Guntersville for not less than six months at the discretion of the judge trying the same.

Repeal

Sec. 9. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, in so far as the same relates to the town of Guntersville, be and the same are hereby repealed.

Approved February 23d, 1899.

No. 717)

AN ACT

(S. 384

To amend an act to establish a Board of Revenue for Barbour County, approved February 18th 1895.

Compensation

Be it enacted by the General Assembly of Alabama, That Section 13 of an act entitled "An Act to establish a Board of Revenue for Barbour county" approved February 18th, 1895, be changed so as to read as follows: Section 13. Be it further enacted that the members of said board shall each be entitled to three and 50-100 dollars a day for each day of actual service on the board, five cents per mile for traveling to and from the sittings of said board to be paid by the county treasurer on the certificate of a warrant signed by the president of said board.

Approved February, 23d. 1899.

No. 719)

AN ACT

(S. 484

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, in Tallapoosa county, outside of incorporated towns in said county.

Prohibition

Section 1. Be it enacted by the General Assembly of Alabama, That after the 31st day of December 1899, it shall be unlawful for any person,

firm or corporation to engage in the business of retailing spirituous, vinous or malt liquors, or other intoxicating beverages, in the county of Tallapoosa, outside of the incorporated towns having police regulations.

Sec. 2. Be it further enacted, That any person firm or corporation violating the provision of the first section of this act, shall be guilty of a misdemeanor, and on conviction must be fined in a sum not less than twenty-five, nor more than one hundred dollars, which said fine shall be payable in money only. Penalty

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed. Repeal

Approved February 23, 1899.

No. 720)

AN ACT

(S. 255

To authorize the board of mayor and aldermen of the town of Pratt City, in Jefferson county Alabama, to issue and negotiate bonds of said town to an amount not exceeding twenty-five thousand (\$25,000.00) dollars for the establishing and maintaining of a system of water works for the fire department and sanitary and domestic uses, and providing for the redemption of said bonds.

Section 1. Be it enacted by the General Assembly of Alabama, that the board of mayor and aldermen of the town of Pratt City, in Jefferson county Alabama, be and are hereby authorized, to issue and negotiate bonds of the said town to an amount not exceeding twenty-five thousand (\$25,000.00) dollars in such denominations as they may determine, to be known as water works and fire protection bonds, with interest coupons attached, numbered to correspond with said bonds, showing the amount of interest and when payable. Said bonds shall not run longer than thirty years, but shall be redeemable at the op- Bonds

tion of said town of Pratt City after twenty (20) years from their date, said bonds to bear interest at a rate not greater than six per cent. per annum, payable semi-annually. Said bonds may be, in the discretion of said board of mayor and aldermen made payable principal and interest in gold coin of the United States, of the present standard fineness and weight, and at such places as said board may prescribe.

Signed

Sec. 2. Be it further enacted, That said bonds shall be signed in the name of the town of Pratt City by the mayor of said town and countersigned by the clerk of said town, and the seal of said town affixed thereto.

Authority of
mayor and
aldermen

Sec. 3. Be it further enacted, That said board of mayor and aldermen of Pratt City are hereby authorized to do any and all things that may be necessary to carry out the power hereby granted and that no technical informality or irregularity, neglect or omission in the proceedings or records of said board of mayor and aldermen shall in any wise vitiate or annul said bonds or coupons which shall have all the properties and protections of commercial paper.

Use of
proceeds

Sec. 4. Be it further enacted, That said board of mayor and aldermen are authorized to sell or dispose of said bonds to the best advantage and shall apply the proceeds of sale of said bonds to the establishing and maintaining of a system of water works and fire department in the said town of Pratt City: Provided, however, that no bonds shall be sold for less than their face value.

Special tax

Sec. 5. Be it further enacted, That said board of mayor and aldermen be, and the same are hereby authorized to levy, assess and collect upon all of the taxable property within said town (within constitutional limitations) sufficient taxes to pay the principal and interest of said bonds, and in order to meet the principal and interest at maturity upon any and all of said bonds issued under authority of this act, it shall become and is hereby made their duty to set apart out of the general revenues of said town of Pratt City each

year three and one half ($3\frac{1}{2}$) per cent. of the amount of bonds issued under the provisions of this act, together with all of the net revenues derived from said water works as a sinking fund for the redemption of said bonds when they become due and for the payment of the interest as it becomes due on said bonds. Said sinking fund shall be invested from time to time as it accumulates in bonds of the United States or of the State of Alabama, or in the interest bearing obligations of any county or municipality in said State, and shall be applied to the redemption of the bonds issued hereunder and to no other purpose whatever.

Sec. 6. Be it further enacted, That the bonds issued under this act, be, and the same are hereby Taxes exempt
from exempted from municipal taxation.

Sec. 7. Be it further enacted, That within thirty days after this act becomes a law an Election election shall be held in said town of Pratt City, in which election only householders and freeholders shall have a right to cast their vote and they shall cast their vote for or against the issuance of said bonds and when a majority of said householders and freeholders so casting their vote favor the issuance of said bonds at this or any subsequent election or any subsequent election called for the purpose of voting on the issuance of said bonds said bonds shall be immediately issued, otherwise they shall not be issued; said election shall be held under and in accordance with the laws governing the regular municipal elections and shall be held at a time prescribed by the board of mayor and aldermen of Pratt City.

Sec. 8. Be it further enacted, That all laws and parts of laws in conflict herewith, be, and the same are hereby Repeal repealed and that this act shall take effect immediately.

Approved February 23d, 1899.

No. 721)

AN ACT

(S. 78)

To regulate the purchase of stationery and other articles by the officials of Randolph county.

Stationery, etc Section 1. Be it enacted by the General Assembly of Alabama, That hereafter when any officer of the County of Randolph finds that his office needs stationery, furniture, fixtures or other articles of official use for the county, such as is allowed by law, he shall make out a list of such articles in the form of a requisition, signed by himself, and present the same to the board of revenue by filing the same with the clerk of said board at least one day before their action on the same, and said board shall pass on said requisition in such manner as they may deem best for the public interest, and if the whole or any part of said requisition is granted by said board, they shall take such steps to procure the same as in their judgment may seem proper; nor shall any officer of said county order contract for any article whatsoever in advance of such requisition and such action of the board, and if he does so said board is hereby forbidden to pay therefor.

Approved February 23d, 1899.

No. 722)

AN ACT

(S. 205)

To prohibit hunting on the lands of another without the written consent of the owner or the person in charge, north of the line between Townships 4 and 5 in Lawrence County, Alabama.

Unlawful Section 1. Be it enacted by the General Assembly of the State of Alabama, That it shall be unlawful for any person to hunt on the lands of another without the written consent of the owner or the person in charge of same, north of the line between Townships 4 and 5 in Lawrence county, Alabama.

Sec. 2. Be it further enacted, That any person ^{Penalty} violating Section 1 of this act shall be guilty of a misdemeanor and, on conviction, shall be fined not less than ten nor more than fifty dollars.

Approved February 23d, 1899.

No. 727)

AN ACT

(S. 286

To fix the time and regulate the holding of the Circuit Court of Madison County, Alabama.

Section 1. Be it enacted by the General Assembly ^{Times} of Alabama, That from and after the first day of May, 1899, the Circuit Court of Madison county, Alabama, shall be held on the third Monday in May, the first Monday in August, the third Monday in November and the first Monday in February.

Sec. 2. Be it further enacted, That said Circuit Court for Madison county, Alabama, shall con- ^{Terms} tinue in session two weeks at the May term, four weeks at the August term, two weeks at the November term, and four weeks at the February term.

Sec. 3. Be it further enacted, That the May and November terms shall be devoted entirely to civil business, except as hereinafter provided; ^{Business} and the August and February terms shall be devoted to both civil and criminal business. At the said August and February terms the first and second weeks shall be devoted to the disposal of the civil business of said Court, and the third and fourth weeks shall be devoted to the disposal of the criminal business; but this shall in no way prevent the setting or disposal of any civil or criminal business at any special time during said Court, in the discretion of the presiding judge.

Sec. 4. Be it further enacted, That a grand ^{Juries} jury shall be organized and sit during the February and August terms of said Circuit Court, but there shall be no grand jury at the May and November terms thereof. Petit juries shall be or-

ganized and sit during the February and May terms, and during the 3d and 4th weeks of the August term. The first and second weeks of the August term and the November term of said Circuit Court shall be without petit juries, except as hereinafter provided.

Petit juries

Sec. 5. Be it further enacted, That if the presiding judge of the Circuit Court of Madison county, at the August term of said Court, shall deem it necessary or best to have a petit jury at the following November term of said Court, he shall enter an order to that effect in open Court upon the minutes of said Court, at the August term thereof, and thereupon petit jurors shall be drawn, summoned, impaneled and sworn in the usual way, to act during said November term of said Circuit Court.

Plea of guilty

Sec. 6. Be it further enacted, That any defendant in any criminal case in said Court shall have the right and privilege of pleading guilty at any of the terms of said Court.

When open

Sec. 7. Be it further enacted, That the Court at each of said terms shall open on the first day of each term at 12 o'clock noon, and open and adjourn on each succeeding day at such time as the presiding judge thereof may appoint.

Repeal

Sec. 8. Be it further enacted, That all laws and parts of laws in conflict herewith are hereby repealed.

Approved February 23d, 1899.

No. 725)

AN ACT

(S. 1

To incorporate Anniston Normal Industrial and Theological College, at Anniston, Calhoun County, Alabama.

Incorporators

Section 1. Be it enacted by the General Assembly of Alabama, That H. W. Whatley, Jim Blake, C. Pyles, Wm. M. Munds, S. Jones, T. W. Walker, Dr. C. E. Thomas, D. Savage, G. R. Nash, A. G. Walker, and A. A. Battle, president and founder,

and Wm. H. Brown, secretary and treasurer, be and they are hereby created a corporation and body politic, under the name and style of the Anniston Normal Industrial and Theological College, at Anniston, Calhoun county, Alabama, said persons above named shall constitute the board of trustees of said corporation, and they and their successors shall exercise the powers hereinafter conferred. Name

Sec. 2. Be it further enacted, That the powers of said corporation shall be as follows: Powers 1. To have perpetual succession by its corporate name. 2. To sue and be sued, and if deemed necessary to have a corporate seal, which may be altered at pleasure. 3. To hold, purchase, dispose of and convey, and receive by donations or bequests, or in any other manner, real and personal property to the amount of \$150,000.00. 4. To appoint such officers and agents as may be deemed necessary for the transaction of its business, and the management and control of its affairs and property. 5. To make all contracts and do all acts which may be necessary to accomplish the purposes of its incorporation. 6. To borrow money and mortgage its property or secure the same in any other manner.

Sec. 3. Be it further enacted, That said corporation and their successors shall have power under and by virtue of said name to maintain a college at Anniston, and such other places as they may see fit, for the education of males and females, and to grant diplomas to all persons who shall complete the course of study which shall be adopted by said college, and to do all other acts and things which are or may be necessary or proper in carrying out the purposes of said college. Diplomas

Sec. 4. Be it further enacted, That the persons mentioned in the first section of this act, and their successors, shall elect the professors and teachers of said corporation, one of whom they shall make president, and the president, professors and teachers shall constitute the faculty of said college. Teachers

Diplomas

Sec. 5. Be it further enacted, That the faculty of said college, under the supervision of said corporation may instruct in any of the arts and sciences, and may grant diplomas, certificates of scholarship.

Sec. 6. Be it further enacted, That the faculty of said college may grant certificates of proficiency to its students in any branches taught in said college.

Vacancies

Sec. 7. Be it further enacted, That vacancies in board of trustees may be filled by the remaining members thereof, and a majority of said trustees may exercise the powers hereby conferred upon them at a meeting, and they shall have the right to adopt such rules, regulations and by-laws for the management and control of said college as they may see fit. Any trustee may be removed at any time for any cause deemed proper by a majority of said trustees. They shall hold office for one year and until their successors are elected and qualified, and the time of such annual election shall be fixed by said board of trustees at their first meeting, but may be changed from time to time as they may see fit.

Sec. 8. Be it further enacted, That this act shall be in force from its passage.

Approved February 23d, 1899.

No. 726)

AN ACT

(S. 305

To establish Fisk School District in Madison County, Alabama.

School district Section 1. Be it enacted by the General Assembly of Alabama, That Sections one (1), two (2), three (3), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14) and fifteen (15), all in Township one, Range one (T. R.) west, in the County of Madison, in the State of Alabama, be and the same are hereby constituted a separate school district, to be known as the Fisk School District.

Approved February 23d, 1899.

No. 727)

AN ACT

(S. 464

To authorize Marshall County to build macadamized or turnpike roads; to build bridges, establish ferries, and to issue bonds of the county to aid in the construction thereof.

Section 1. Be it enacted by the General Assembly of Alabama, That Marshall county, by and through its Court of County Commissioners, or board of revenue, is hereby authorized, commencing immediately after the passage of this act, to issue and sell bonds of said county, to be hereinafter described, to build and construct within the limits of said county, certain macadamized or turnpike roads, establish ferries, build bridges to be hereinafter designated and described.

Bonds

Sec. 2. Be it further enacted, That the governor of the State shall appoint three persons, of sound judgment, intelligence and discretion, from different portions of Marshall county, "One of whom shall be a resident citizen of Sand Mountain, south of Hooper and Jaybird beat; one other to be a citizen south or east of Tennessee river, but not a resident of the above named territory on Sand Mountain; the other to be a resident citizen of said county north and west of Tennessee river," who are hereby constituted "Road Commissioners" of Marshall county, whose term of office shall commence immediately after the bonds hereinafter referred to are sold and the proceeds of same paid into the office of the county treasurer, as hereinafter provided, and continue in office until the completion of said roads, unless removed for cause. Said road commissioners shall, before entering upon the duties of their office, take an oath before some qualified officer, to faithfully perform their duties as such road commissioners, and not to become interested in any manner, directly or indirectly, in any contract for the construction of said roads, bridges or ferries. Said road commissioners shall also, before entering upon the duties pertaining to said office,

Road com-
missioners

as hereinafter set forth, each execute a bond in the sum of three thousand dollars (\$3,000.00), payable to the County of Marshall, conditioned for the faithful performance of their duties as such road commissioners, and for the faithful accounting, by them, of all moneys received and disbursed in connection with said office in building and constructing said roads, bridges and ferries. The bond shall be approved by the probate judge of said county, and when so approved, shall be filed and recorded in his office, as bonds of county officers. Should either of said commissioners refuse to qualify, or the office from any cause become vacant, the fact shall be reported by the judge of probate to the governor, and he shall fill the vacancy. Said road commissioners shall receive as compensation for their services two dollars per day, while they are actually engaged in having the surveys made and roads and bridges constructed, but shall not be paid for any time while said work is not in progress, or themselves not actually engaged in the performance of their duties. They shall be paid monthly by the county treasurer out of the road funds, upon their presenting a sworn, itemized statement, approved by each of the commissioners, showing the number of days they were engaged in said work.

Bonds

Sec. 3. Be it further enacted, That the Court of County Commissioners of said county are authorized, empowered and directed immediately upon the approval of this act, to issue bonds of said county to the amount of one hundred thousand (\$100,000.00) dollars, the proceeds of the sale of which shall be applied exclusively to the construction and building of macadamized and turnpike roads, building bridges and establishing ferries, as hereinafter set out. That said bonds shall all be sold at one and the same time, and the said Court of County Commissioners, or board of revenue, shall be entrusted with the duty of having designated and prepared said bonds, and selling same, and employ an agent for that purpose. That said bonds shall be one hundred in number, for one thousand dollars each; shall be numbered from one to one hundred consecutively, to be made due and payable at the

1898-9

Bonds

pensation for receiving or handling said money, or making reports in relation thereto. Said treasurer shall pay out said money, the proceeds of the sale of said bonds, only upon an order or draft upon him drawn and signed, by all or any two of said road commissioners, specifying what said order or draft is for, to whom, and on what contract, it is in payment of. Said orders or drafts shall be safely kept by said treasurer. Said treasurer shall deposit the proceeds of the sale of said bonds, in bank in Marshall county, or some other safe and responsible bank outside of the county, if they will secure him well against loss. The treasurer can have the assistance of counsel employed by said road commissioners, should one be employed, to assist him in preparing such papers as he may desire to properly secure and protect him.

Roads and
ferry

Sec. 5. Be it further enacted, That the following roads shall be built and ferry established 1st. From Jackson county line near Doss Ferry to Guntersville. 2d. From north bank Tennessee river at Gunter's landing through Kennebec cove to Jackson county line. 3d. To establish ferry at Gunter's landing. 4th. From Guntersville via Warrenton to Oleander. 5th. From Blount county line at Fowler place to the old Pat Henry place on Guntersville and Miller Gap road. 6th. From Wyeth City to Albertville via Miller Gap. 7th. From Albertville to Martling. 8th. From Albertville to Lot. 9th. Albertville to Boaz. 10th. From Albertville to Center Point. 11th. From Center Point to Miller Gap. 12th. From Boaz to Center Point. 13th. From Martling to Plank Landing on Town Creek. 14th. From Paint Rock bridge near New Hope to Henryville Church. 15th. From Cottonville to De Posit ferry. 16th. From Columbus City to Jackson County line near Dodsonville. 17th. From Arab to Morrow place on Oleander road. 18th. From Arab via Oleander to Morgan county line on Whitesburg road. 19th. From Romans landing to Scottsboro road at Kirbys. 20th. From Red Hill to De

Posit ferry. 21st. From Boaz via Marshall intersecting Lot, and Albertville road near Braziars. 22d. From Whitesville to Blount County line near the Robert Murdock place. Said road commissionere are directed to have their engineers to run out and estimate the probable amount to be set apart by said commissioners for each road, taking into consideration the condition of the road whether limestone land, gravel land, or sand land. They must build bridges over the streams on said roads when the condition of the funds will admit of it if it can be done without material detrement to the building of said roads. If there is any of said funds left from the roads so designated and not used in the necessary expenses of carrying out the provisions of this act, then said road commissioners may designate such other public roads of the county and let the same out on same terms as though particularly herein mentioned.

Sec. 6. Be it further enacted, Said Road ^{Contracts} Commissioners shall build and construct said roads and bridges by letting the same by contract, to the lowest responsible bidders, but before letting said contract, said road commissioners shall advertise for thirty days in at least two newspapers, one of which must be published in the county, for sealed proposals to build said roads, and bridges or a part thereof, with the privilege of accepting or rejecting same. If any of said bids are accepted, said road commissioners are required to contract with contractors in writing, which said contract shall be signed by said contractor and the county of Marshall, by said three road commissioners, who are authorized to contract for said county, for the construction of said roads, bridges and ferries provided said county will not be liable for payment of the amount of said contracts except out of the "Road Funds". Said road commissioners shall have said contractors to deliver to them, before work is commenced on any of said roads or bridges or operate said ferries a bond in such sum as said road commissioners may

determine, in no case less than the amount of the contract, payable to the County of Marshall, conditioned for the faithful performance of said contract, within the time specified therein, in a first class condition, and skillful and workmanlike manner, and according to the specifications, which shall be set out in said contract. Said bond shall be approved by said three commissioners, but not until they are satisfied, that the sureties thereon, not less than two, are sufficient to secure said county, should the principal therein fail to comply with said contract. Said contract and bond shall be filed with the probate judge of said county.

Discretion

Sec. 7. Be it further enacted, That the fixing of the width of said roads, and the character of stone, concrete, sand, gravel or other material to be used in their construction and the material whether iron, steel, rock, wood or other material to be used in the bridges, shall rest in the discretion of said road commissioners having reference to the necessity of the travel thereon. Provided, That said road shall be laid out not less than eighteen feet wide and not less than twelve feet of which shall be bedded with stone gravel, concrete or like material, well compacted, and of sufficient depth to secure a solid foundation, not less than four inches, and shall be faced with gravel, concrete, solid sand, or broken stone, not less than three inches in depth in such manner as to secure a firm, and even surface, rising to the middle by gradual arch, to be protected on the sides by ditches and the proper water drainage, under said road bed, so constructed to permit when practicable, vehicles to pass on and turn off said roads.

Special tax

Sec. 8. Be it further enacted, That it is hereby made the duty of the court of county commissioners, or board of revenue of said Marshall County, to levy and collect such tax annually as is now or may be hereafter, authorized by the constitution of the State of Alabama, and laws of the State; or so much thereof, as may be necessary, upon the property in

said county, as may be necessary to pay the interest and principal of said bonds, provided for by this act, as the same falls due, and to that end may provide a sinking fund and may use the bridge and county fund or any portion of the same for this purpose. All taxes collected on such road levy must be received and kept by the treasurer of said county as a separate fund, as above provided, and used in the payment of the principal and interest of said bond provided for by this act, as the same falls due, for which the coupons and bonds so paid shall constitute the proper voucher of said treasurer. Whenever there is a surplus of such taxes in the hands of said treasurer not required for the payment of the interest of said bonds, the same may be applied to a sinking fund, or the purchase of said bonds, whether the same have matured or not. Said roads shall be kept in repair under the general road law that is or may be of force in said county.

Sec. 9. Be it further enacted, That the bonds issued under this act shall be exempt from taxation by the county or other municipal corporations now existing or may be hereafter organized.

Tax exempt
from

Sec. 10. Be it further enacted, That the Court of County Commissioners shall, once every four months after said bonds are sold, and the proceeds goes into the hands of the county treasurer, employ an expert accountant, who shall not be a citizen of Marshall county, to audit and state, an account of the county treasurer, and the books and contracts of the said road commissioners, and report to them the condition and safety of said fund, and if the same are being properly expended, to be reported by said accountant to the Court of County Commissioners, and for his services he shall be allowed a sum not to exceed thirty dollars, to be paid out of the road fund of the county, upon a certificate from the clerk of the Commissioners Court.

Auditor

Sec. 11. Be it further enacted, That it shall be the duty of the Court of County Commissioners, road commissioners, and county treasurer, to jointly make publications, on April 30, August 31, and

Publications

December 31 of each year, showing the amounts received from the sale of said bonds and said road tax, and specifying particularly to whom and for what it has been paid out, and balance on hand.

Location

Sec. 12. Be it further enacted, That said road commissioners may, whenever they see proper, employ a good and competent civil engineer, to assist in the proper location and construction of said roads and bridges, and to place the same upon the best ground and easiest grades practicable; and for his services he shall be allowed a sum not to exceed five dollars per day, to be paid out of the road fund, upon draft or order signed by all or two of said road commissioners; they may also employ counsel to prepare said contracts, and to act as advisor for themselves, Commissioners Court and county treasurer, and to do any other legal work said road commissioners may wish done, and for his services shall be allowed such sums as are reasonable, not to exceed one hundred and fifty dollars per annum, to be paid out of the road funds by order or draft on treasurer, signed by all or two of said road commissioners.

Penalty

Sec. 13. Be it further enacted, That any person, officer, Court of County Commissioners, board of revenue or road commissioner who wilfully fail or refuse to discharge any of the duties required of them under the provisions of this act, shall be guilty of a misdemeanor, and shall be fined not less than two hundred dollars.

Arbitration

Sec. 14. Be it further enacted, That whenever it becomes necessary to change any of the public roads that receive the benefit of this act so as to put them on better grade and less expensive, the land owner upon whose land a change is to be made must be consulted; if he is not willing that the change be made without being paid damages, and the land owner and said road commissioners cannot agree upon a reasonable amount, then said land owner is to select an arbitrator, and said road commissioners to select another, these two arbitrators to select a third person; the arbitrators to be citizens of the county and disinterested and of no kin to either party. They shall be sworn,

the matter of difference submitted, they to go upon the premises, view the proposed change, hear all the testimony submitted, and if in their judgment there will be no damage, taking into consideration the enhanced value of the property and the convenience, so say by an award in writing. But if they, in their good judgment and sound discretion, think he will be damaged, then by an award, say how much, said award to be signed by them and the proceeding be filed in the office of judge of probate. The cost and expenses of said arbitration shall be paid, one-half by each party. The arbitrators to be allowed a sum for their services not to exceed one dollar each. The award for damages, or agreed damages, and the commissioners part of the cost, shall be paid by the county treasurer out of the road fund upon an order or draft signed by the commissioners, or any two of them.

Sec. 15. Be it further enacted, That the act approved February 18th, 1897, entitled "An act for the improvement of roads and bridges in Marshall County, Alabama," be and the same is hereby repealed. The roads made and built under the provisions of this act shall be turned over by said road commissioners as they are built to the Court of County Commissioners, who shall keep the same up under the general laws for public roads, found in Code, 1896, in connection with other public roads of the county. Repeal, etc

Approved February 23d, 1899.

No. 728)

AN ACT

(S. 346

To prohibit the sale, barter, giving away or otherwise disposing of spirituous, vinous or malt liquors or any intoxicating beverage, cordial, blackberry wine, or bitters of any kind, within three miles of Town Creek Normal Institute, in Lawrence County.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any

Prohibition

person to sell, barter, give away or otherwise dispose of spirituous, vinous or malt liquors, or any intoxicating beverage, cordial, blackberry wine, or bitters of any kind, within three miles of "Town Creek Normal Institute," in Lawrence county, Alabama.

Penalty

Sec. 2. Be it further enacted, That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor and, on conviction for the same, shall be fined not less than fifty dollars, and may also be imprisoned in the county jail of said county not exceeding thirty days for each offense.

Sec. 3. Be it further enacted, That all laws in conflict with this act be and the same are hereby repealed.

Approved February 23d, 1899.

No. 729)

AN ACT

(S. 237

To create a separate school district in the County of Tallapoosa, to be known as "Zion Grove School," and to define the boundaries thereof.

School district

Section 1. Be it enacted by the General Assembly of Alabama, That there is hereby created, in the County of Tallapoosa, a separate school district, to be known as "Zion Grove School." Said school district to be composed of the following described territory in Township 24 of Range 23, viz: Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, and all that part of Sections 23, 25 and 26 on the east side of Little Emickfaw creek, and also Sections 6 and 7 in Township 24, Range 24, all in said County of Tallapoosa.

Trustees

Sec. 2. Be it further enacted, That said district have three trustees, who shall be citizens of said district, elected by the qualified white voters, and who shall hold said office for the term of two years and until their successors are elected and qualified.

Sec. 3. Be it further enacted, That it shall be the duty of the said trustees with the county su-

perintendent of education of said county to establish one, and only one, school for the white race, to be taught in said district, and to elect teachers for the same, and to perform all other duties necessary to the proper organization, regulation and maintenance of said school, making contracts with teachers and approving reports in the manner now provided by the general school laws for township trustees of this State: Provided, That said trustees shall elect one of their number, who shall contract with teachers and approve reports after the same shall have been passed upon and approved by said trustees or a majority thereof.

Sec. 4. Be it further enacted, That said school district be entitled to its proportional share of all Schools funds raised or appropriated by the State or county for the use of public schools, also its proportional share of the "sixteenth section" funds accruing to townships of which said school is a part, and that it receive all poll tax which may be collected from the white residents of said district and such other funds as may be donated thereto from other sources.

Sec. 5. Be it further enacted, That the "Zion School funds Grove School" shall be the only school in said district for the white race.

Sec. 6. Be it further enacted, That this act go into effect within three months after its passage, and that all laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal

Approved February 23d, 1899.

No. 730)

AN ACT

(S. 281

To repeal Subdivision two (2) of Section 3372 of the Code of 1896, so far as the same relates to Jefferson County.

Be it enacted by the General Assembly of Alabama, That Subdivision 2 of Section 3372 of the Code of 1896 be and the same is hereby repealed, in so far as the same relates to Jefferson county. Repeal

Approved February 23d, 1899.

1898--9

School district

Trustees

Duty of coun
ty treasure:

in the other Courts of said county, the same to constitute the fine and forfeiture fund of said county.

Sec. 2. Be it further enacted, That it shall be the duty of said treasurer to number and register, in the order in which the same are presented, all claims chargeable against the fine and forfeiture fund of said county, under the general law of the State, and also fine and forfeiture claims issued by the clerk of said City Court of Anniston, in the same manner as is required of him under Subdivision five (5) of Section 1429 of the present Code of Alabama (1896), and to pay said claims arising out of the fund from the receipts of fines and forfeitures occurring in any of the Courts of said county, as hereinabove provided: Provided, however, That all claims now registered against the general fine and forfeiture fund of said county, and all claims registered against the special fine and forfeiture fund for the City Court of Anniston, shall be deemed and held to be just and true claims against the fund required to be kept under this act, without any additional registration of the same, but that they be considered as registered, against said fund and payable out of the same in the order of their registration without regard to the particular fund against which they have been registered.

Sec. 3. Be it further enacted, That all of said claims deemed and held to be registered under the provisions of this act, together with such claims as may hereafter be registered against the fine and forfeiture fund authorized by this act, shall be paid in the order of their registration in point of time, without regard to the character of services for which they were issued, whether State witness certificates or cost of officers of Court.

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 23d, 1899.

No. 738)

AN ACT

(H. 1445

To incorporate the Valley Head High School, in
DeKalb County, Alabama.

Incorporators Section 1. Be it enacted by the General Assembly of Alabama, That N. S. Davenport, E. T. Davenport, E. P. Nicholson, M. D., C. Y. Culberson and G. P. Carmichael be and they are hereby created a corporation and body politic with power of succession, to continue for such length of time as they or their successors may see fit; and their successors shall have all the corporate powers and privileges herein conferred upon them.

Name Sec. 2. Be it further enacted, That the name of said corporation shall be Valley Head High School, in the town of Valley Head, in DeKalb county, Alabama; and that said corporation and their successors shall have power, under and by virtue of said corporate name, to maintain at Valley Head a high school for the education of the male and females of the white race, and to grant certificates of proficiency to all persons who shall complete the course of study which shall be adopted by said high school, and to make all necessary rules, regulations and by-laws for the government of school, and to fully carry into effect the object and purposes of this act, not inconsistent with the constitution and laws of the State of Alabama.

Rights

Powers Sec. 3. Be it further enacted, That said corporation or their successors shall have power under said corporate name to acquire, have, own, receive and possess by gift, grant, purchase, devise, bequest or otherwise, real and personal property, and shall have power to dispose of said property by sale, grant or otherwise, and shall have such other rights and powers as are granted by private corporations under existing laws.

Faculty Sec. 4. Be it further enacted, That said N. S. Davenport, E. T. Davenport, E. P. Nicholson, M. D., C. Y. Culberson and G. P. Carmichael, or their successors, shall, on the second Monday in May of

each year, or as soon thereafter as is practicable, meet and elect the principal for the ensuing year, and when such principal shall have been elected and has accepted, said principal may select and employ, with the approval of said corporation, such other instructors as may be required, who, when so elected or selected and employed, shall constitute the faculty of the Valley Head High School.

Sec. 5. Be it further enacted, That the faculty of said high school, under the supervision of said corporation, may instruct in any of the arts and sciences; may grant certificates of scholarship. Certificates

Sec. 6. Be it further enacted, That the faculty of said high school may grant to students of said high school certificates of proficiency in all branches of study completed by said students in such high school, after having examined them in said branches as required by the school laws of the State of Alabama.

Sec. 7. Be it further enacted, That said corporation may acquire, own and use property, real and personal, not to exceed in amount the sum of twenty thousand dollars (\$20,000), not including any endowment fund that may hereafter be procured, and said property hereby authorized to be owned and used, with any endowment funds, shall be exempt from taxation, whether State, county or municipal. May own
property

Sec. 8. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 23d, 1899.

No. 739)

AN ACT

(H. 1426

To establish a separate school district for the
Town of Pratt City, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the corporate limits of the town of Pratt City shall constitute a school district, separate and apart from the remaining school districts or townships of the County of Jefferson. School district

Board of education Sec. 2. Be it further enacted, That the public schools of the district of Pratt City shall be under the control and management of a board of education, to consist of five qualified electors of Pratt City, to be appointed by the State superintendent of education, and shall continue in office two years, or until their successors shall be appointed and qualified, said term of office beginning on the first Tuesday in March, 1899, and every two years thereafter: Provided, Any member of the board moves from the city, his office shall be deemed vacant.

Oath Sec. 3. Be it further enacted, That each member of said board of education shall, upon his induction in office, subscribe an oath or affirmation, faithfully to discharge all the duties imposed on him as member of said board.

Removals Sec. 4. Be it further enacted, That for good cause any member of said board may be removed by State superintendent of education, and all vacancies in said board shall be filled by the State superintendent of education for the unexpired term.

Officers Sec. 5. Be it further enacted, That said board of education shall elect one of their number to be president, and one to be secretary and treasurer, who shall hold their offices at the pleasure of the board. A majority of the board shall constitute a quorum for the transaction of business.

President Sec. 6. Be it further enacted, That the president shall be chief executive officer of the board, and shall preside at its meeting; he shall be ex-officio district superintendent of education, and shall, within the district of Pratt City, perform all the duties required of county superintendent of education, except as hereinafter provided. In the event of his absence or inability to act, the board may name a temporary vice president, to act and have the powers of the president.

Secretary Sec. 7. Be it further enacted, That the secretary and treasurer of the board shall keep a true and faithful record of the proceedings, shall preserve the books of said board, and file all of its papers and documents, all of which shall be open

to the public inspection; and he shall also perform such other duties as may be required of him by said board; he shall receive such compensation as the board of education may allow.

Sec. 8. Be it further enacted, That all the funds devoted to the public school purposes in the district of Pratt City, whether derived from the State, county or district, shall be paid directly to the secretary and treasurer of said board of education, in the same manner as State and county funds are paid to county superintendents of education, and shall be dispensed in such manner as the board of education may direct, and only upon the warrant of the board, signed by the president thereof. For the faithful performance of all his duties, said secretary and treasurer shall give bond, with good and sufficient security, in such sum as the board of education may fix, not less than double the amount of money likely to be in his hands at any one time, said bond to be approved by the judge of probate of Jefferson county and filed in his office; a certified copy shall be sent to the State superintendent of education: Provided, That all moneys due the school board by the town of Pratt City shall be paid direct by the city clerk, or other party authorized to collect the same, to the treasurer of the school board, and the treasurer's receipt shall be a full discharge to the party paying the same. Funds

Sec. 9. Be it further enacted, That the secretary and treasurer shall make monthly reports to the board of education, showing the amount of money received and the amount paid out during the month, the vouchers for the same, the amount of cash on hand, and liabilities of said board, and such other information as may be required by the board. Reports

Sec. 10. Be it further enacted, That the said board of education shall have power to establish such public schools for the white race, and such schools for the colored race, as the means and wants of said school district may justify; and elect a superintendent of said school, the principal thereof, and all teachers, and remove the same for Schools

good cause; fix their compensation and prescribe their duties, and control the distribution of teachers and pupils among the various schools, dictate the course of instruction, the number and character of text books, the organization of grades and classes, the methods of teaching, and shall prescribe rules and regulations for the governing of said schools. Said board shall have and exercise additional powers, as may be necessary to give it complete control of the public schools of such district, and shall perform all the duties imposed on township trustees in this State.

Rules

Sec. 11. Be it further enacted, That the plan of instruction, kind of text books, and the rules and regulations adopted by said board for the government of said public schools shall be adhered to, unless altered by a two-thirds vote of said board.

Pupils

Sec. 12. Be it further enacted, That all the bona fide residents within the corporate limits of the city of Pratt City from seven to twenty-one years of age shall be entitled to seats as pupils in the public schools of said district; provided, non-residents may be admitted into such schools on such terms and conditions as the board of education may prescribe.

Examinations

Sec. 13. Be it further enacted, That the board of education shall have authority to create a board for the examination of applicants for the positions as teachers in the public schools of the district of Pratt City, no person shall be elected a teacher in said schools who shall not have received a license from such board: Provided, Such board is authorized to carry out any contract existing with teachers at the time of the approval of this act, if they see proper.

Revenues

Sec. 14. Be it further enacted, That said board of education shall control, manage and disburse all revenues which may be raised by special tax or otherwise, for the maintenance of public schools in the district of Pratt City, under such rules and regulations as the board may prescribe: Provided, That where donations or contributions are made to the public schools of the district of Pratt City, or to any one of them, the board shall

apply the contribution or donation in the manner indicated by the party or the parties contributing.

Sec. 15. Be it further enacted, That said board of education shall have the power to buy lands for the purpose of erecting school buildings thereon, or to provide suitable school buildings by rent or purchase, and all necessary furniture, equipments or apparatus, the title to said property to be vested in said board of education and their successors in office. Buildings

Sec. 16. Be it further enacted, That said board of education shall have the power to charge in the several grades of the public schools of the district of Pratt City such incidental or other fees as may be necessary for the conduct of said schools. Fees

Sec. 17. Be it further enacted, That the district of Pratt City, as a separate school district, shall receive a proportionate share of the public school funds as apportioned to Jefferson county, including a pro rata share of the "sixteenth section" fund, and all of the poll tax collected in the corporate limits of said district, and not less than seventy per cent. of license tax collected within the corporation, and all funds set apart by the State for school purposes: Provided, That not more than four per cent. of said fund derived from the State shall be used otherwise than for the payment of teachers employed in the public schools in the district of Pratt City. Use of school funds

Sec. 18. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal

Approved February 23d, 1899.

No. 740)

AN ACT

(H. 1198

To prohibit hunting on the lands of persons in Shelby County.

Section 1. Be it enacted by the General Assembly of Alabama, That no person or persons shall be Unlawful

allowed to shoot or hunt on the enclosed or cultivated lands of another without the consent of the owner or occupant thereof in Shelby county, Alabama.

Penalty

Sec. 2. Be it further enacted, That any person violating this act shall be fined not less than five nor more than ten dollars, to be collected by any justice of the peace or notary public in the County of Shelby.

Approved February 23d, 1899.

No. 741)

AN ACT

(H. 1222

To regulate the trial of misdemeanors in Morgan County.

Jurisdiction

Section 1. Be it enacted by the General Assembly of Alabama, That the County Court of Morgan county shall have concurrent jurisdiction with the Circuit Court of said county for the trial of all misdemeanors committed in said county.

Duty of circuit clerk

Sec. 2. Be it further enacted, That the clerk of the Circuit Court of said county shall, immediately after the passage of this act, enter on a book or docket to be kept for that purpose in the County Court of said county, all cases of defendants or persons charged with the commission of misdemeanors which are pending in the Circuit Court of said county, and said County Court shall have exclusive jurisdiction of said cases so transferred, and of all papers, bonds and writs of every description in anywise connected with or relating to said cases.

Duty of circuit judge

Sec. 3. Be it further enacted, That at each and every succeeding term of the Circuit Court, held after the passage of this act, for the County of Morgan, the presiding judge thereof shall enter on the minutes of said Circuit Court on the day of adjournment an order requiring the clerk of the Circuit Court to deliver to the judge of the County Court of said county all indictments presented or filed in the Circuit Court against per-

sons charged with the commission of misdemeanors, and after the making of such order, the jurisdiction to try said causes shall vest in the County Court.

Sec. 4. Be it further enacted, That it shall be the duty of the clerk of the Circuit Court of said county to enter the cases, transferred as hereinbefore mentioned, on the docket of said County Court, to deliver to the judge thereof all papers belonging, or in anywise pertaining to them; to attend the terms of said County Court, and to keep a book in which must be entered the minutes of each days proceedings during the session of the Court, and the orders and judgments in the order in which they are made or rendered; and to make a record of the proceedings in said causes so transferred, and also of all the causes mentioned in the second section of this act, as required by law to be kept of such causes in the Circuit Court; and in cases where arrests have not been made, to issue capiases forthwith, returnable to the first day of the next term of the County Court; and on application of either party to issue subpoenas for witnesses in said causes so transferred and certify the attendance of witnesses, who shall be paid as in the Circuit Court.

Duties of circuit clerk

Sec. 5. Be it further enacted, That whenever, ^{Juries} as now provided by law, the jury commissioners, as now provided by law for said County of Morgan, shall meet to draw juries for the Circuit Court, the said jury commissioners as now provided by law, shall for each jury term of said County Court draw two juries to serve as jurors for the first week of said County Court, and two juries to serve as jurors for the second week of said County Court; the said juries for the first week shall consist of twenty-four names, each to be numbered and endorsed as juries No. 1 and No. 2 respectively; and the said juries for the second week shall consist of twenty-four names, each to be numbered and endorsed as Jury No. 1 and No. 2 respectively, who shall be summoned to serve as jurors for said County Court in the order of their number and to

be summoned as now provided by law; and if, for any cause, any juror or jurors shall fail to attend said Court when summoned, the judge of said County Court shall fill his or their place or places in the same manner as now provided by law in the Circuit Courts of the State, said jurors so summoned to be paid as in the Circuit Court.

Juries waived Sec. 6. Be it further enacted, That it shall be the duty of the judge of said County Court to hear counsel and decide causes without a jury, if the defendant waive a jury, which waiver must be entered of record; but if a jury is demanded at a non-jury term, the cause must be continued to the next succeeding jury term of said Court.

Proceedings Sec. 7. Be it further enacted, That all proceedings as to bail, conditional judgments, forfeitures, judgments, final and alias warrants of arrests, shall be the same as those provided for by law in the Circuit Court of said county, and in all cases transferred as hereinbefore mentioned; conditional judgments may be set aside, reduced or made absolute, and the same orders and judgments had and taken in the Circuit Court shall be held as if they had been made and rendered at prior terms of the County Court.

Appeals Sec. 8. Be it further enacted, That the defendant in all cases, whether tried by the Court on waiving a jury, or by a jury, shall have the right to appeal to the Supreme Court only, and may reserve by bill of exceptions any question of law arising in any of the proceedings in like manner and form as provided by law in similar cases in the Circuit Courts of the State.

If judge disqualified Sec. 9. Be it further enacted, That if in any case the county judge shall be disqualified to try, hear or render judgment in such case the solicitor or other prosecuting officer and the defendant or defendants may agree upon some disinterested person practicing in the Court and learned in the law to act as special judge, to sit as a Court and to hear, decide and render judgment in the same manner and to the same effect as the judge of the County Court sitting as a Court might do in the same case. If the prosecuting officer and de-

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Solicitor

Sheriff

Judge

Terms

Prosecutions

by law, to be thereafter subject to the provisions of this act.

Appeals Sec. 15. Be it further enacted, That all appeals by defendants from trials in criminal cases for misdemeanors from justices of the peace, or notaries public with powers of justice of the peace, in said County of Morgan, shall be taken to the County Court thereof.

Repeal Sec. 16. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 23d, 1899.

No. 742)

AN ACT

(H. 1410

To relieve Emmet Cooley Peebles, of Limestone County, of the disabilities of non-age.

Relief Section 1. Be it enacted by the General Assembly of Alabama, That Emmet Cooley Peebles, of Limestone county, is hereby relieved of the disabilities of non-age, and invested with the right to sue and be sued, contract and be contracted with, as if twenty-one years old.

Approved February 23d, 1899.

No. 743)

AN ACT

(H. 1235

To abolish the corporation of Fayetteville, in Fayette County, Alabama.

Corporation
abolished Be it enacted by the General Assembly of Alabama, That the municipal corporation of Fayetteville, having for its center the spot where the old courthouse of Fayette county, Alabama, formerly stood, about one mile north of the Fayette depot, be and the same is hereby abolished.

Approved February 23d, 1899.

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Authority to
borrow

Duties of cir-
cuit clerk

Fees

Repeal

No. 746)

AN ACT

(H. 899

To regulate the payment of witnesses in criminal cases in Madison County, Alabama.

Fees of
witnesses

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the approval of this act, witnesses summoned by process issued from the Circuit and County Courts of Madison county, Alabama, in criminal cases, shall be entitled to and shall receive as compensation for attendance upon said Courts twenty-five cents per diem for each days actual attendance upon said Courts and five cents per mile for each mile traveled to and from Court, and upon discharge shall be entitled to a witness ticket for such amount as they may be entitled, for mileage and attendance.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed, in so far as they relate to Madison county.

Approved February 23d, 1899.

No. 747)

AN ACT

(H. 1173

To authorize Elijah A. Dennis, Julia R. Dennis and Texas A. Shankles, minors, to sell and convey their lands in DeKalb County, Alabama.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That Elijah A. Dennis, Julia R. Dennis and Texas A. Shackles, minors, residing in DeKalb county, Alabama, be and they are hereby authorized to sell their interest in any lands in said county, and by proper deed to convey the title thereto, and for that purpose they are hereby relieved of the disabilities of minority.

Sec. 2. Be it further enacted, That all laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 23d, 1899.

No. 750)

AN ACT

(H. 1377)

To amend Section 1 of an act to grant a new charter for the Town of Guin, Marion County, Alabama, approved December 14th, 1898.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of an act to grant a new charter for the town of Guin, in Marion county, Alabama, approved December 14th, 1898, be and the same is hereby amended so as to read as follows: "Section 1. Be it enacted by the General Assembly of Alabama, That the town of Guin, in the County of Marion and State of Alabama, be and the same is hereby incorporated, and the corporate limits of said town shall contain the following territory, viz: Southeast quarter and south half of northeast quarter Section 32, and southwest quarter and south half of northwest quarter of the northwest quarter of the northeast quarter Section 33, Township 12, Range 13, and the present and future inhabitants of said town shall be and contine a body politic and corporate under the name and style of the "Town of Guin," under and by which name and style the corporate authorities thereof may sue and be sued, either in law or equity, and may purchase and hold real and personal property not exceeding ten thousand dollars in value, and to do all other acts incident to bodies corporate."

Amendment
of charter

Approved February 23d, 1899.

No. 751)

AN ACT

(H. 1373)

To establish a Text-book Board for the County of Cleburne, and to define its duties and powers.

Section 1. Be it enacted by the General Assembly of Alabama, That on or before the first day of April, 1899, the superintendent of education shall appoint a committee of five, to be known as the

Tax book
board

- Text-book Board of Cleburne County, Alabama, who shall be citizens of the county.
- Text books Sec. 2. Be it further enacted, That the said text-book board shall, on the first Monday in June, 1899, select a uniform series of text-books to be used in the public schools of Cleburne county, accepting the best bids, considering price, binding, subject matter, etc., and no part of the public school fund shall be paid to any school in which said books are not used. Said books shall not be changed thereafter for a period of five years, except by the consent of the majority of the said board.
- Rules Sec. 3. Be it further enacted, That said board shall have power to make and enforce such rules and regulations as are necessary to carry into effect the provisions of this act.
- Penalty Sec. 4. Be it further enacted, That no member of said board shall act as agent of any publisher or dealer of text-books, or receive any pecuniary benefit therefrom, and a violation of this provision will constitute a misdemeanor, punishable by a fine of not less than one hundred dollars.
- Repeal Sec. 5. Be it further enacted, That all laws in conflict with the provisions of this act are hereby repealed.
- Approved February 23d, 1899.

No. 752)

AN ACT

(H. 1375)

To establish a separate school district in Barbour County, Alabama, to be known as the Corinth School District.

- School district Section 1. Be it enacted by the General Assembly of Alabama, That the following described territory, situated in the County of Barbour, shall constitute a separate school district, to be known as the Corinth School District, to-wit: Beginning at Choctawhatchee river one-quarter of a mile east of section line between Sections 28 and 29 in Township 9, Range 26, thence running south be-

tween Sections 32 and 33, in Township 9, Range 26, and on south between Sections 4 and 5 in Township 8, Range 26, thence along west side of Bear creek to section line between Sections 17 and 8, in Township 8, Range 26; thence on west between Sections 18 and 7, and on west to Choctawhatchee river; thence along the east side of said river to place of beginning.

Sec. 2. Be it further enacted, That said district School funds shall receive its pro rata share of all funds raised or appropriated by the State for public schools, and shall also receive its pro rata of the sixteenth section interest accruing to the townships from which said district is composed, and it shall receive all poll tax which may be collected from residents of said school district and all funds which may be donated to said district.

Sec. 3. Be it further enacted, That said district Trustees shall be managed and controlled as townships in said county are now controlled, by three trustees, to be appointed by the county superintendent of education after the passage of this act, whose term of office, powers and duties shall be the same as those of township trustees: Provided, That the term of office of the trustees first appointed under this act shall expire at the time of the termination of the term of office of township trustees now serving in said county.

Approved February 23d, 1899.

No. 754)

AN ACT

(H. 1336

To fix the fees of Justices of the Peace and Constables in the County of Montgomery.

Section 1. Be it enacted by the General Assembly Justice of
peace fees of Alabama, That justices of the peace holding office in County of Montgomery shall be entitled to the following fees: In civil cases, for insuing summons, \$1.00; for warrant in qui tam cases, \$1.50; for each subpoena, \$.25 cents; for execution stating cost thereon \$.75 cents; for attach-

ment bond and affidavit, \$2.00; for summons for garnishee, \$1.00; for each scire facias, \$1.00; for order of sale in attachment cases, \$.50; for every bond or undertaking, \$1.00; for administering oath and certifying to same, \$.50 cents; for docketing cause, \$.10 cents; for presiding at trial of each contested case, \$2.00; for entering judgment, \$.25 cents; for issuing venire facias, \$1.00; for issuing writ of restitution, \$.75 cents. In criminal cases, for complaint, \$.50 cents; for warrant of arrest, \$1.00; for search warrant, \$1.00; for each bond or undertaking to Court, \$1.00; for each subpoena, \$.25 cents; for each commitment to jail, \$.50 cents; for certifying proceedings to higher Court, \$.50 cents; for each execution, \$.75 cents; for presiding at trial \$2.00.

Constables
fees

Sec. 2. Be it further enacted, That constables in the County of Montgomery shall be entitled to the following fees: In civil cases, for serving each summons, \$1.00; for serving each scire facias, \$1.00; for summoning each witness, \$.50 cents; for serving attachment, \$1.50; for making money on execution, \$.50 cents; for levying execution, \$1.00; for each bond for forthcoming of property or other bond required by law, \$1.00; for summoning jury, \$2.00; for attending trial, \$1.00; for keeping property levied on, such sum as the justice of peace believes just and reasonable, out of money in the hands of the constable or arising from sale or received by reason of such levy. In criminal cases, for executing each search warrant in day time, \$1.50; for executing search warrant at night time, \$3.00; for executing any other warrant, \$1.00; for summoning each witness, \$.50 cents; for conveying a person upon warrant of arrest before the justice of peace or to jail, for himself and each necessary guard, to be proven by the constable, for each mile, \$.20 cents.

Repeal

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 23d, 1899.

No. 755)

AN ACT

(H. 1383)

For the relief of W. H. Pruett, Judge of Probate of Barbour County, Alabama, and to release him from the payment of the sum of one hundred dollars into the State treasury, and two hundred dollars into the county treasury of Barbour County.

Whereas, W. H. Pruett, probate judge of Barbour county, Alabama, did, in the month of January, 1898, issue a license to the Palmetto Medicine Company, to sell patent medicines in the County of Barbour, and did charge and collect from the said medicine company the sum of one hundred and fifty dollars for such license, and one hundred dollars of which sum was paid into the State treasury and fifty dollars into the county treasury, which said sum of one hundred and fifty dollars is the amount required to be paid for such license by the general law of the State; and, whereas, at the time of issuing said license the said W. H. Pruett was ignorant of a local law applying to Barbour county, passed by the General Assembly at the session of 1896-97, which fixed the amount to be paid for such license at two hundred dollars for the State and two hundred and fifty dollars for the county; and, whereas, immediately after ascertaining the existence of such a local law, the said Pruett did forbid the said medicine company from carrying on its business in said county; and, whereas, the agent of said company did immediately leave for parts unknown, without paying the amount required by said local law; therefore,

Section 1. Be it enacted by the General Assembly of Alabama, That W. H. Pruett, probate judge of Barbour county, be and he is hereby relieved and released from the payment of the sum of one hundred dollars due to the State, and two hundred dollars due to the County of Barbour for a license issued by said Pruett to the said Palmetto Medicine Company, which amount should have been paid under the provisions of said local law apply-

Preamble
Relief

ing to Barbour county, by patent medicine companies doing business in said county, but which the said Pruett ignorantly failed to collect from the said Palmetto Medicine Company.

Approved February 23d, 1899.

No. 756)

AN ACT

(H. 1333

To amend an act entitled "An act to establish a charter for the Town of Albertville, in Marshall County, Alabama," approved February 18th, 1891.

Amendment
of Sec. 20

Section 1. Be it enacted by the General Assembly of Alabama, That Section 20 of an act entitled "An act to establish a charter for the Town of Albertville, in Marshall county, Alabama," approved February 18th, 1891, be and the same is hereby amended so as to read as follows: "Sec. 20. Be it further enacted, That the mayor and councilmen of the town of Albertville shall levy and collect upon real property within said town, except such property as is by law exempt from State taxation, a tax not exceeding one-fourth of one per cent. of the value of said property, which said tax shall be levied and collected as other real estate taxes, of the said town of Albertville, but the same shall be kept separate from other taxes of said town, and the same, as collected, shall be turned over by the tax collector or marshal of Albertville to the treasurer of the Albertville school district of the City of Albertville, to be used exclusively for the equipment and maintenance of the public schools of the City of Albertville: Provided, however, That the taxes so levied and collected for the first two years may be used in the construction of suitable buildings for the public schools of the town of Albertville: Provided, That the tax herein provided for shall be a part of the amount authorized to be levied and collected by the constitution of Alabama."

Approved February 23d, 1899.

No. 757)

AN ACT

(H. 1310)

To authorize and direct the mayor and council of the Town of Greensboro to reimburse W. E. W. Yerby and Lee M. Otts for certain moneys paid out by them for said town.

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the town of Greensboro are hereby authorized and directed to pay to W. E. W. Yerby and Lee M. Otts, a committee appointed by the citizens of said town of Greensboro, Alabama, to secure from the Federal Government a smallpox expert to come to said town for the purpose of examining and advising on the smallpox situation in said town, and in Hale county, their actual expenses expended in the matter, including fifty-one dollars paid to the government expert for traveling expenses. To reimburse

Sec. 2. Be it further enacted, That all laws or parts of laws in conflict with this be and the same are hereby repealed. Repeal

Approved February 23d, 1899.

No. 758)

AN ACT

(H. 1228)

To change the name of Amanda J. Knox, of Talladega County, to Amanda J. Childress.

Section 1. Be it enacted by the General Assembly of Alabama, That the name of Amanda J. Knox, of Talladega county, be changed to Amanda J. Childress, and by which last name she can contract and be contracted with, sue and be sued, plead and be impleaded in all of the Courts of this State. Name changed

Approved February 23d, 1899.

No. 759)

AN ACT

(H. 1211

To prohibit the sale, giving away or otherwise disposing of vinous or malt liquors, intoxicating ciders, bitters or beverages, or fruits preserved in alcoholic liquors within two miles of the "Florence Tallman Chapel," in Russell County, Alabama.

Prohibition

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act it shall be unlawful for any person to sell, give away or otherwise dispose of any vinous or malt liquors, intoxicating ciders, bitters or beverages, or fruits preserved in alcoholic liquors, within two miles of the "Florence Tallman Chapel," in Russell county, Alabama.

Penalty

Sec. 2. Be it further enacted, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than fifty nor more than one hundred dollars for each offense.

Approved February 23d, 1899.

No. 761)

AN ACT

(H. J. R.

Relative to mileage of J. J. Delchamps.

Appropriation

Whereas, Hon. J. J. Delchamps failure to draw the full amount of his mileage as a member of the Lower House of the General Assembly of 1896-7; and whereas, the said Delchamps is clearly entitled to such balance of mileage; therefore, be it resolved by the House, the Senate concurring, That the auditor be and he is hereby authorized to draw his warrant on the treasurer in favor of said Delchamps for any amount that may be ascertained to be due him on such account.

Approved February 23d, 1899.

No. 762)

AN ACT

(H. 1205)

To provide and establish a stock law for Fayette
County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That when twenty bona fide electors of any precinct in Fayette county shall file a petition with the probate judge in writing, stating that they desire an election in such precinct to ascertain whether or not a majority of the bona fide electors of said precinct desire a stock law or not, to prohibit the running at large of stock in said precinct, and shall deposit with the probate judge an amount of money sufficient to defray the expenses of holding such election, it shall be the duty of the probate judge to file said petition in his office, and endorse thereon an order for an election which shall be held in said precinct in not less than fifteen nor more than thirty days from the time of filing said petition. It shall be the duty of the probate judge to cause notice of such election to be posted in three public places in said precinct, which shall be posted at least ten days before holding said election: Provided, That all petitions upon the subject of stock law shall be filed with the probate judge between the first and last days of July of any year, and at no other time; and all the elections upon the question of stock law shall be held between the fifteenth of August and the last day of September in any year after the call of said election; and if stock law carries it shall go into effect on the first day of March next after holding said election.

Sec. 2. Be it further enacted, That managers for said elections shall be appointed as in general elections for county officers, and said election shall be held in the same manner and under the same regulations as general elections are held: Provided, That the ballots shall be prepared by the probate judge, and shall have printed thereon the "Stock law, yes," and "Stock law, no," and the elector shall indicate his choice by making a cross

mark before the words of his choice; provided further, that both of in favor of the stock law, and those opposed, shall be represented on the board of managers, clerks, and fixers.

Returns

Sec. 3. Be it further enacted, That the returns shall be made in the same manner as in general elections for county officers, and the returns canvassed the same as in general elections, and the result of said election shall be certified by the probate judge and filed with the petition already filed in his office. Said petition and order endorsed thereon with certificates of the result of election, shall be recorded in the stock law record, a book kept for that purpose in the office of the probate judge. For making such record the probate judge shall be entitled to the usual fees for recording, to be paid out of the money deposited with him.

Voters

Sec. 4. Be it further enacted, That all qualified voters of such precinct in which such election is held shall be entitled to vote at such election: Provided, That no person shall be entitled to vote in said election who has not been a bona fide resident of such precinct for three months prior to such election; and any illegal voting in such election shall be punished as illegal voting in general elections.

Result

Sec. 5. Be it further enacted, That if a majority of the votes cast be in favor of a stock law, then it shall be unlawful for stock to run at large in any precinct so voting.

Contests

Sec. 6. Be it further enacted, That any elections under the provision of this act may be contested in the same manner as for county officers.

Time between

Sec. 7. Be it further enacted, That when an election has been held in any precinct in this county, it shall be unlawful to hold any other election for the same purpose within twelve months from the time of holding such last election.

Tenants

Sec. 8. Be it further enacted, That it shall be the duty of each and every landlord in the County of Fayette to provide by the said assistance of his tenants, a sufficient amount of pasturage for a reasonable amount of stock for said tenants, for which he shall not levy any charges.

Sec. 9. Be it further enacted, That any person injured by any live stock running at large in violation of this act, either in person or otherwise, shall have a lien upon such for all damages done: Damages
Provided, That the party injured and the person owning the stock may adjust the matter of damage; otherwise the party injured may make complaint against the owner of the stock doing the damage to a justice of the peace or notary public ex-officio justice of the peace of the precinct in which the damage was done, or before any such officer in an adjoining precinct, when no such officer resides in the precinct the damage was done. Such complaint must describe the stock doing the damage, as nearly as can be, and the thing injured, and the amount of damage, upon the filing of said complaint. The justice of the peace or notary public ex-officio justice of the peace, must issue a summons to the owner of the stock, commanding him to appear before him on a day not less than three nor more than ten days after the issuance of said summons, and answer, which must be served upon owner or keeper of said stock. On trial of said cause, if judgment be rendered for such complaint, the justice trying the cause must, if such judgment and be not paid in ten days, condemn the stock doing the damage to be sold for the satisfaction of such judgment and cost, and shall forthwith issue an execution therefor, and issue an order thereon commanding the officer executing the same to sell the stock so condemned.

Sec. 10. Be it further enacted, That when any stock is found trespassing upon the lands within the stock law district under the provisions of this act, or when any person or property is injured by stock running at large, contrary to the provisions of this act, when the person who owns the stock is unknown to the person injured, the person injured may take up such stock, and within three days make complaint under oath to the justice of the peace or notary public ex-officio justice of the peace of the precinct, or adjoining precinct when no such officer resides in his precinct, describing When owner
unknown

as near as may be the stock doing the damage, the property or thing injured, and the amount of damages, and that the owner is unknown after reasonable efforts to ascertain the name of such owner; then the justice to whom the complaint is made shall appoint a day not less than four nor more than ten days distant, and cause a notice to be posted in three public places in the neighborhood of the land upon which said stock was trespassing, describing said stock and giving notice of the day of trial, and shall proceed with the trial in all respects as though the owner was known. However, all the amounts over the cost and claim of the injured party shall be paid into the county treasury: Provided, That the owner of such stock shall have the right to redeem them within twelve months by paying all costs and charges incident to such trial; provided, that the county shall pay all money so received to the owner of such stock upon the certificate of the injured party that all charges held by him are settled, which certificate shall be verified by oath.

Penalty Sec. 11. Be it further enacted, That any person who wilfully or maliciously causes any live stock to break out of their pastures or places in which they are kept in any stock law precinct shall be guilty of a misdemeanor, and upon conviction be fined not less than five nor more than twenty-five dollars.

Jurisdiction Sec. 12. Be it further enacted, That the justices of the peace and notaries public ex-officio justices of the peace shall have jurisdiction of offenses under this act, and such Court shall be always open to such causes.

Appeal Sec. 13. Be it further enacted, That from any judgment rendered by Courts having jurisdiction under this act, either party may appeal to Circuit Court, as in other cases.

Repeal Sec. 14. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 23d, 1899.

No. 763)

AN ACT

(H. 1053)

To establish and maintain a school district, known as the Shoal Creek District, in Lauderdale County, Alabama.

Section 1. Be it enacted by the General Assembly ^{School district} of Alabama, That a separate school district, to be known as the Shoal Creek District, in Lauderdale county, Alabama, be and the same is hereby established, to consist of the following territory, to-wit: Beginning at the northeast corner of Section 1 in Township 1, Range 10 west, thence south with township line to southeast corner of Section 36, thence west with township line to Shoal creek, thence up Shoal creek to mouth of Story branch, thence west with the line of the Blackburn School District till township line is reached, thence north with township line to Tennessee State line, thence east with State line to beginning point.

Sec. 2. Be it further enacted, That soon after the passage of this act, it shall be the duty of the ^{Trustees} county superintendent of Lauderdale county, to appoint three men who shall be freeholders and land owners, residing in the school district, as trustees of said district for a term of two years; that it shall be the duty of the county superintendent, as soon as the new board is appointed and organized, to require of old board of trustees of Township 1, Range 10 west, in the county, to appear before him and make settlement of all the business in their hands pertaining to said township, and turn over to the new board all the books, papers, notes, mortgages, moneys, etc., in their hands, to become the property of said school district. It shall be the duty of the county superintendent of education to supervise the annual settlements of the new boards of trustees of this district, and he shall have all the power over them that he has over all other trustees of public schools in the county.

Sec. 3. Be it further enacted, That as soon as appointed, each member shall, before entering ^{Oath}

upon the duties of his office, subscribe an oath to faithfully discharge all the duties enjoined upon him by law as such officer, such oath to be administered by any officer authorized by law to administer oath.

Officers

Sec. 4. Be it further enacted, That it shall be the duty of said board, as soon as appointed and qualified, to at once call a meeting and elect one of their members chairman and secretary, and who may also act as treasurer by consent of the board. It shall be the duty of the chairman to keep a book of record of all the business done by said board, and shall, at the end of each year, present said record to the county superintendent for approval, and for the purpose of receiving such instructions as he may deem best to give said board. That they shall receive all the means, donations, etc., turned over to them or may come into their hands hereafter, and shall use such to the best of their judgment in the way of supplementing the public school fund and improving the public school houses in the district. That they shall have the same authority and power, and governed by the same rules of law, as made and prescribed for township trustees of public schools in this State.

School funds

Sec. 5. Be it further enacted, That said school district shall be entitled to receive its proportionate share of all funds raised or appropriated by the State for public schools, also its proportionate share of the sixteenth section fund, and all the poll taxes which may be collected in said district, also receive all funds devoted to public school purposes in said district, either by gift, by sale of land or otherwise collected, and all funds which may be devoted thereto. That all such funds devoted to public school purposes, in the school district derived from the district shall be collected by the trustees and paid into the hands of treasurer, when they must be kept separate and apart and disbursed in such manner by trustees as to supplement or aid the public school fund. All funds devoted to public school purposes, whether derived from State or county, shall be disbursed

by county superintendent of education as in the same manner as now provided by law.

Sec. 6. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal

Approved February 23d, 1899.

No. 764)

AN ACT

(H. 815

To authorize the Court of County Commissioners of Perry County to issue bonds of the said county, to an amount not exceeding six thousand dollars, for the purpose of building an iron bridge over the Cahaba river.

Section 1. Be it enacted by the General Assembly Bond of Alabama, That the Court of County Commissioners of Perry county is hereby authorized to issue bonds of the said County of Perry to an amount not exceeding six thousand dollars, for the purpose of raising funds to enable said county to build an iron bridge over the Cahaba river in said county, at or near the point commonly known as Fikes Ferry on said river in said county, the said bonds to be issued at such time and made payable at such times and place as said Commissioners Court may decide upon, the time of maturity of said bonds to be fixed by said Court of County Commissioners, and to be redeemable at the pleasure of said Court at any time after the maturity thereof, with coupons attached bearing interest at not exceeding six per cent. per annum; said interest to be payable at the office of the treasurer of said county at such times as may be named in said bonds; and said bonds shall be exempt from county and municipal taxation.

Sec. 2. Be it further enacted, That said bonds may be issued in sums of not less than one hundred dollars, nor more than one thousand dollars; Kind of that said bonds shall be numbered according to the order in which they are issued; and the interest coupons attached to said bonds shall be numbered to correspond with the bonds.

Signed by

Sec. 3. Be it further enacted, That the bonds and coupons issued by authority of this act, shall be signed by the probate judge and countersigned by the treasurer of said county, and the seal of said county affixed thereto; and the probate judge of said county is hereby required to keep a correct record of all bonds issued and sold under this act, and said bonds shall not be sold at less than par.

Authority of
commis-
sioners

Sec. 4. Be it further enacted, That the said Court of County Commissioners of Perry county is hereby authorized and empowered to sell said bonds, to contract for the building of said bridge, and to do any and all things necessary and proper to carry out the object and purpose of this act by said Court, or by any agent or agents duly authorized and appointed by said Court, at any meeting of said Court, either regular or special, and no technical informality, neglect or omission in the proceedings or records of said Court shall in anywise vitiate or annul said bonds or coupons issued by authority of this act, or any rights of the purchasers or holders of said bonds; but said bonds and coupons shall have all the properties and protection of commercial paper, and shall be receivable for all dues to the county, and for all taxes levied for the use of the county after the maturity of said bonds and coupons, except such taxes as are set aside for special purposes.

Special tax

Sec. 5. Be it further enacted, That said Court of County Commissioners may, if necessary, levy a special bridge tax each year sufficient to meet and pay off the interest and principal falling due each year upon any and all of the bonds issued under and by authority of this act.

Use of pro-
ceeds

Sec. 6. Be it further enacted, That the money arising from the sale of the bonds issued by authority of this act be paid directly into the hands of the treasurer of the county, and paid out by him on warrants drawn by the probate judge of said county to the contractors, to the laborers who do the work, and to pay for all materials used in the construction of said bridge: Provided, That no warrant shall be drawn for labor, material or any

other service under the provisions of this act until the accounts thereof have been presented to and duly audited and allowed by said Commissioners Court.

Sec. 7. Be it further enacted, That the county treasurer shall keep separate the money paid into his hands arising from the sale of said bonds, and shall be unlawful for him, the Commissioners Court, the probate judge or any other person, to use any of said funds for any other purpose except that hereinbefore mentioned and specified; and there shall be no commissions allowed to the county treasurer for receiving and disbursing any of the funds arising from the sale of the bonds named in this act; and the treasurer of said county shall be responsible for all moneys paid into his hands under this act, as he is responsible for other moneys of the county.

County
treasurer

Sec. 8. Be it further enacted, That said Court of County Commissioners are hereby authorized and empowered to erect an iron bridge over said Cahaba river in said County of Perry, at or near the point commonly known as Fikes Ferry, on said river in said county.

Location

Approved February 23d, 1899.

No. 765

AN ACT

(H. 1118)

To amend Section 2 of an act entitled "An act to establish a new charter for the City of Cullman," approved December 12th, 1890.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 2 of an act entitled "An act to establish a new charter for the City of Cullman," be amended so as to read as follows: "Sec. 2. Be it further enacted, That the corporate limits of said City of Cullman shall be as follows, to-wit: Beginning at the northeast corner of Section fifteen, township ten of Range three west, thence north one-fourth of a mile; thence west one mile; thence south to Tenth street in said city;

Section 2
amended

thence easterly on Tenth street to the section line between Sections fourteen and fifteen in Township ten of Range three west; and thence north on said section line to the place of beginning. And also the following territory shall be included in said corporate limits: Commencing on corporation line at southeast corner of Section nine, where the same corners with Section ten, fifteen and sixteen, thence running west along the section line between Sections nine and sixteen two hundred feet, thence north three hundred and thirty feet, thence east two hundred feet to the section and corporation lines."

Approved February 23d, 1899.

No. 767)

AN ACT

(H. 1107

To amend as to the Counties of Barbour and Montgomery, Section 2038 of the Code.

Amendment
of code

Section 1. Be it enacted by the General Assembly of Alabama, That Section 2038 of the Code be amended so as to read as follows: "Sec. 2038. Exemption of wages of employees: The wages, salaries or other compensation of laborers or employees, residents of this State, for personal services to the amount of twenty-five dollars per month, shall also be exempt from levy under writs of garnishments or other process for the collection of such debts, and every such levy is void as to such amount unless the suit is based upon a note containing a waiver of exemption: Provided, That the provisions of this act shall apply only to the Counties of Barbour and Montgomery."

Approved February 23d, 1899.

1898-9

License

No. 770)

AN ACT

(H. 1116)

To regulate the manner of making contracts by the Mayor and Council of the City of Cullman in behalf of the city.

Contracts

Section 1. Be it enacted by the General Assembly of Alabama, That all contracts made hereafter for the City of Cullman amounting to more than the sum of fifty dollars shall be made by contract in writing, signed by the mayor for the city upon the approval of the council, and the persons making such contract, a copy of which shall be filed in the office of the mayor; and said contracts are made only after thirty days notice has been given in some newspaper published in Cullman county, Alabama, for at least thirty days previous to the day of letting out said contracts giving notice of the time, place and character of such contract to be made; and on the day specified in such notice at the time and place designated in such notice. Said contracts shall be let out to the lowest bidder, by sealed proposals or at public outcry, as the mayor and city council shall determine and designate in the notice published.

Refusal of
bids

Sec. 2. Be it further enacted, That the city council and the mayor of said city shall have the authority and power to refuse and decline any and all bids, and select and readvertise any contracts when the best interests of the city demand such action. And the said mayor and council shall cause to be placed upon the minutes of the mayor and council their reasons for refusing said bids, or the making of such contracts; provided further, that the said mayor and council shall have the power and authority to require such bonds to be given by such persons making contracts as they may deem for the safety and best interest of the City of Cullman.

Void

Sec. 3. Be it further enacted, That all contracts made not in the manner herein provided shall be void, and the mayor and council, in their individual capacity, shall be liable to any one doing work

or making improvements or furnishing material or goods to the amount of fifty dollars or over without a written contract let out to the lowest bidder as required by this act.

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and are hereby repealed. Repeal

Approved February 23d, 1899.

No. 772)

AN ACT

(H. 885

To make each beat (or precinct) in Geneva County, Alabama, a school district.

Section 1. Be it enacted by the General Assembly of Alabama, That each beat (or precinct) in Geneva county, Alabama, be and the same are hereby made and constituted a school district: School district Provided, That separate school districts already established in said county shall not be changed or abolished by this act, but the same shall remain as established.

Sec. 2. Be it further enacted, That the county superintendent of education of Geneva county shall appoint three trustees for each of such districts, who shall be residents of the districts in which they are appointed to serve, and the term of office and powers of such trustees shall be the same as those heretofore exercised by township trustees in said county. The said trustees may establish one or more schools in each of said districts, as the public necessity may require, and may transfer pupils from one district to another in the same manner and on the same conditions that schools have heretofore been established in townships, and transfers made from one township to another in said county. Trustees

Sec. 3. Be it further enacted, That all school funds which may be allotted to said County of Geneva shall be apportioned among the districts herein created in the same manner and on the same basis that the school fund has heretofore School funds

been apportioned among the townships of said county.

Repeal

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 23d, 1899.

No. 776)

AN ACT

(H. 1031

To authorize the Courts of County Commissioners in Limestone and Coffee counties to establish the boundaries of stock districts wherein hogs, sheep and goats are not permitted to run at large when a majority of the legal voters in the district affected favor the establishment of a new stock district.

Stock districts Section 1. Be it enacted by the General Assembly of Alabama, That the Courts of County Commissioners in the different counties of this State be and the same are hereby authorized to establish the boundaries of any stock district wherein hogs, sheep and goats are not permitted to run at large in their respective counties, as hereinafter provided.

Notices to be posted Sec. 2. Be it further enacted, That upon a petition in writing from a majority or more of the adult male land holders or freeholders residing within the proposed stock district, to the Commissioners Court of their county, setting forth in detail the boundaries of the district as proposed to be established, it shall be the duty of the probate judge to give notice of the petition by causing notices of said application to be posted for thirty days in at least five (5) public places in the district described and published for at least two (2) consecutive weeks in a county paper, if there is one published in the county, and said notice must show briefly but clearly the boundaries of the proposed district or the proposed changes in an existing district.

Sec. 3. Be it further enacted, That at the first regular meeting of the Commissioners Court, after

the giving of notice as above provided, the Court must hear the petitions and also any persons opposed to the granting of said petition; and if the said Court is satisfied that a majority of the land owners and freeholders over twenty-one years of age in the district described in the petition are in favor of granting said petition, then the Court of County Commissioners must make an order granting said petition, and shall describe in said order on the minutes of the Court the boundary lines of said district so established, and said order shall go into effect thirty days after it is made: Provided, That in all cases when the Court of County Commissioners is in doubt as to the wishes of the majority of the land holders and freeholders in the district described in said petition, the said Court may order an election to be held, after due notice in such district, to ascertain the will of a majority.

Petitions

Sec. 4. Be it further enacted, That in case such election be ordered it shall be the duty of the judge of probate as soon as practicable, to provide for holding such election by causing written or printed notices of the time, place and purpose of said election to be posted conspicuously at not less than six (6) public places in the district described in the petition, and one notice shall be put in the county paper. The probate judge shall also appoint three inspectors for each polling place for holding said election, some of whom shall be in favor of and some opposed to the petition when practicable. The inspectors shall serve without pay and shall, before receiving any ballots, take an oath to conduct the election fairly, to count accurately all the legal ballots cast, and to certify correctly the result to the judge of probate. The polls for holding said election shall be open from 10 A. M. to 4 P. M. Any legal voter in the district described shall be allowed a vote, and also any legal voter within one mile of boundary line residing outside the proposed district, and not in a stock district. Ballots shall be prepared by the voters bearing the words "For Petition" or "Against Petition," written or printed thereon. The inspectors shall receive the ballots and deposit

Elections

them in the ballot box. No inspector shall make known the result of the election until the same has been duly certified to the probate judge. The result of the election shall be declared by the probate judge and an entry of record showing the result shall be made by him. If a majority of the legal voters voting in said election are found to be in favor of the petition, then at the ensuing session of the Court of County Commissioners an order granting said petition shall be made as above provided.

Stock district Sec. 5. Be it further enacted, That if the Court of County Commissioners issues an order as above provided establishing a stock district wherein hogs, sheep and goats may not run at large it shall be unlawful for hogs, sheep or goats to run at large in the district so established from and after the expiration of thirty days from the date of said order.

Taking up Sec. 6. Be it further enacted, That wherever any damage has been done to any property in the said district by hogs, sheep or goats running at large in violation of the provisions of this act, the party whose property has been damaged may have the right to take possession of any hog, sheep, goat, or other animal, if found at large or uncontrolled on the premises of such person in violation of the provisions of this act, and when so taken up the person taking up such stock shall notify the owner of such stock or his agent, if the owner is made known to the taker-up, who must exercise due diligence in ascertaining the owner of such stock. If the owner or agent shall refuse to satisfy the taker-up for the damage done by such stock, said taker-up may, within ten days after such damage was done, make complaint against the owner or agent of the stock, or person having them in charge, to a justice of the peace or notary public with powers of a justice of the peace, in said district in which said damage was done, describing the property damaged and the stock doing the damage, and whenever such complaint is made the justice of the peace or notary public shall issue notice to the owner or

person in charge of said stock, commanding him or her to appear and answer on a day not less than five (5) nor more than ten (10) from the issuance of such complaint; said justice of the peace or notary public shall also issue notice to three (3) disinterested householders or freeholders, commanding them to assess and report to him on the day on which the owner or agent of said stock is required to answer said complaint, on their oaths, the amount of damage the complainant has sustained, which report shall be evidence on the trial of the cause; and if the owner or agent of the stock appears on the day he is commanded to appear, and answer said complaint, the justice of the peace or notary public shall try such cause and render such judgment therein as the justice and equity of the case demands; but if the owner or agent of such stock does not appear and answer, the justice of the peace or notary public shall give judgment for the complainant for such damages as he may have sustained; and if judgment be rendered for the complainant, the justice of the peace or notary public shall also render judgment condemning the stock doing the damage to be sold for the satisfaction of such judgment and the costs of the suit, and shall issue execution in such judgment commanding any constable of the county to levy on and sell such stock, describing them in the execution, for the satisfaction of such judgment and costs: Provided, That no action shall lie under this section against any person living outside of the district described, and whose hogs, sheep or goats may stray across the line and trespass on said district, unless the owner or agent may have had twenty-four (24) hours notice of such trespass and fails to take such stock out of the limits of said district within that time.

Sec. 7. Be it further enacted, That either party shall have the right to appeal to the Circuit Court from the judgment of the justice of the peace or notary public in such cause.

Sec. 8. Be it further enacted, That if the owner or agent of the stock doing the damage is not known or made known to the taker-up, then he

Appeal

When owner
unknown

shall report the taking up and description of the stock to the nearest justice of the peace or notary public within twenty-four (24) hours after the taking up, and make affidavit that the owner is not known and that he has not been able to ascertain the name of the owner, and the affidavit shall also contain a short and clear description of the stock and that it was taken up on the premises of which the affiant was in possession or for which he was agent, and on the filing of such affidavit the same proceedings shall be had as in case of estrays under the existing laws of the State, except that no bond shall be given as now provided in such laws, but the taker-up shall be liable for any wilful neglect or injurious treatment or any conversion which may cause a loss of the stock so taken up.

Penalty

Sec. 9. Be it further enacted, That the owner or manager of any hog, sheep or goat who shall knowingly suffer such stock to run at large in violation of the provisions of this act shall be guilty of a misdemeanor and, on conviction, shall be fined not more than \$25.00 for each hog, sheep or goat running at large: Provided, That justices of the peace and notaries public with powers of justices of the peace, shall have jurisdiction of the offense of this section; provided further, that no action under this section shall lie against any person residing outside of the described district established.

Fees

Sec. 10. Be it further enacted, That justices of the peace, notaries public and constables shall be entitled to the same fees under this act, to be taxed as costs in each case, as are allowed by law in other civil and criminal cases, and the freeholders or householders mentioned in Section 6 of this act shall be entitled to seventy-five cents for each case, to be taxed as costs.

Repeal

Sec. 11. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Applies to

Sec. 12. Be it further enacted, That the provisions of this act shall only apply to the counties of Limestone and Coffee.

Approved February 23d, 1899.

No. 777)

AN ACT

(H. 1004

To make valid and chargeable against the fine and forfeiture fund of Lamar County, Alabama, certain witness script or witness certificates, issued by the foreman of the grand juries of Lamar County, Alabama, and have said script or witness certificates paid by the treasurer of said county in the order of their registration, and to require the treasurer of said county to receive said script or witness certificates in payment of fine and forfeitures.

Section 1. Be it enacted by the General Assembly of Alabama, That certain witness certificates or script heretofore issued by the foreman of the grand juries of Lamar county, Alabama, to witnesses attending before the grand juries of said county, and which have been duly registered with the treasurer of said county, be and the same are hereby made valid and chargeable against the fine and forfeiture fund of said county, and shall be paid in all respects as if they had been legally issued by the clerk of the Circuit Court of said county in the first instance. And the county treasurer of said Lamar county, Alabama, is hereby authorized and directed to pay out of the fine and forfeiture fund of said county, in the order of their registration, the said outstanding witness script or witness certificates issued by the foreman of the grand juries of said county as aforesaid; and the county treasurer of said county is hereby required to receive said witness script or witness certificates in payment of all fines and forfeitures due said county on judgments now payable or which may hereafter become payable in county script.

Witness cer-
tificates

Approved February 23d, 1899.

No. 778)

AN ACT

(H. 1060)

To authorize the mayor and councilmen of the City of Demopolis to issue bonds of said city for an amount not exceeding twenty-five thousand dollars, for the purpose of taking up and refunding the bonds and interest thereon now due and outstanding by said city.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the board of mayor and councilmen of the City of Demopolis be and the same are hereby authorized to issue bonds of the said City of Demopolis to an amount not exceeding twenty-five thousand dollars, or so much thereof as said board may deem necessary for the purposes hereinafter named, in denominations of not less than one hundred dollars each, payable thirty years from the date of the issuance thereof, with coupons attached bearing interest at a rate not exceeding five per cent. per annum, and payable semi-annually to bearer, said bonds and coupons being payable in gold of the present weight and fineness in the City of New York at some bank designated by said board.

Signed by

Sec. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said city, and the said treasurer must keep a correct record, and account of all the bonds issued and disposed of under this act.

Authority of
mayor and
councilmen

Sec. 3. Be it further enacted, That said mayor and councilmen of the City of Demopolis are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted; and no technical informality, irregularity, neglect or omissions in the proceedings or records of said board shall in anywise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper and shall be receivable for all dues to the city in the way of taxes or otherwise.

Sec. 4. Be it further enacted, That said mayor and councilmen of said city are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than par, the face value thereof; and the proceeds of the sale thereof shall be paid over to and kept by said treasurer of said city to be used and applied by said board of mayor and councilmen of said city in purchasing and taking up the bonds and interest now outstanding and due by said City of Demopolis and refunding the same. Use of
proceeds

Sec. 5. Be it further enacted, That out of the proceeds of the sale of said bonds the said mayor and councilmen are hereby authorized to pay off and take up any bonds, and the interest which may be legally due, which are now outstanding and due by the said City of Demopolis.

Approved February 23d, 1899.

No. 779)

AN ACT

(H. 868

To provide for the recording of judgments obtained before justices of the peace, and notary public having jurisdiction of a justice of the peace in Chambers and Tallapoosa counties in this state.

Section 1. Be it enacted by the General Assembly of Alabama, That after the passage of this act, all judgments obtained on open accounts, waive notes, and waive instruments under seal before any justice of the peace, or notary public having the jurisdiction of a justice of the peace, in the counties of Chambers and Tallapoosa in this state, may be recorded in the office of the judge of probate of said county within sixty days from the time such judgment is obtained, in a book to be kept by him for that purpose, and when such judgment is filed and recorded it shall be a lien upon all the property of the defendant in the county where the judgment is recorded which is subject to Recording
Lien

levy and sale under execution, and such lien shall continue for six years from the date of the record of the judgment.

Executions

Sec. 2. Be it further enacted, That upon any judgment which has been recorded as provided in section one of this act in one year from the date of its record in the probate office, execution has been issued, executions may be issued at any time within six years from the date of recorded judgment in the probate office.

Fee

Sec. 3. Be it further enacted, That the judge of probate shall receive the same fees for recording judgments under the provisions of this act as he now receives for recording judgments from the Circuit Court.

Repeal

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 23d, 1899.

No. 780)

AN ACT

(H. 858

For the relief of the estate of Josiah Marbury, deceased, to allow a final settlement of same; and to change the venue of any proceedings concerning the said estate from Autauga county, Alabama, to Montgomery county, Alabama.

Final settle-
ment

Section 1. Be it enacted by the General Assembly of Alabama, That the executor and executrix of the last will and testament of Josiah Marbury, deceased, now being administered in the Probate Court of Autauga county, be and are hereby authorized to make a final settlement of said estate, which said final settlement when made shall be as binding upon all parties interested as if made ten years after the death of the said Josiah Marbury.

Sec. 2. Be it further enacted, That the venue of the final settlement or any other proceedings

that may be had in any Court in reference to said estate of Josiah Marbury, deceased, is hereby changed from Autauga county to Montgomery and the Courts of Montgomery county are hereby authorized to take jurisdiction in any matter connected with the administration and settlement of said estate that the Courts of Autauga county could lawfully take, irrespective of the residences of the parties interested, or of the said Josiah Marbury at the time of his death.

Venue
changed

Approved February 23d, 1899.

No. 781)

AN ACT

(H. 791

To amend section two of an act entitled "An act to incorporate Peaceburg Camp Ground in Calhoun county, and Texas Camp Ground in Macon county, and to authorize and empower the trustees, cabin owners, and tent holders, to pass and enforce rules and regulations to maintain and preserve good order within one mile, respectively, of said camp grounds and to control its management".

Section 1. Be it enacted by the General Assembly of Alabama, That section two (2) of an act, entitled "An act to incorporate Peaceburg Camp Ground in Calhoun County, and Texas Camp Ground in Macon County, and to authorize and empower the trustees, cabin owners and tent holders to pass and enforce rules and regulations to maintain good order within one mile, respectively, of said camp grounds, and to control its management," be and the same is hereby amended so far as the same affects Texas Camp Ground in Macon County, so as to read as follows: Section 2. Be it further enacted, That such trustees, bona fide cabin owners and tent holders of the said Texas Camp Ground as are qualified voters of the respective counties in which they reside, be empowered and authorized to elect an intendant and

Section 2
amended

marshal for said camp ground, and to pass such rules and regulations for the control of said grounds and to preserve and maintain order, and to enforce such rules and regulations as may be passed by imposing penalties not to exceed forty-eight hours, and fines not to exceed fifty dollars in any case.

Approved February 23d, 1899.

No. 782)

AN ACT

(H. 653

To regulate the fees of the sheriff of Perry county - for executing process issued by justices of the peace.

Fees

Section 1. Be it enacted by the General Assembly of Alabama, That the sheriff of Perry county shall be entitled to the same compensation for executing process of any kind in the Justice of the Peace Court as is now allowed by law for the same services in the Circuit Court.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 23d, 1899.

No. 783)

AN ACT

(H. 1241

To create a school district in Clarke county, known as "Moncrief School District."

School district

Section 1. Be it enacted by the General Assembly of Alabama, That the following described territory shall constitute a separate school district known as Moncrief School District, beginning on the north where lower Peach Tree road now crosses Bassetts creek, thence along said road as it now runs, to ford on James creek, thence down said creek to its confluence with Bassetts creek, thence

up said stream to point of beginning on lower Peach Tree road.

Sec. 2. Be it further enacted, That the above described district shall be entitled to all privileges at present accorded to other school districts.

Approved February 23d, 1899.

No. 785)

AN ACT

(H. 506

To regulate the fees of witnesses in criminal cases in the County of Chilton.

Section 1. Be it enacted by the General Assembly of Alabama, That witnesses in criminal cases in Chilton county are entitled to one dollar and fifty cents per day and three cents for each mile to and from their residence by the usual traveled route and all necessary ferriages and tolls.

Sec. 2. Be it further enacted, That all laws or parts of laws in conflict with this act be, and the same are hereby repealed.

Approved February 23d, 1899.

No. 787)

AN ACT

(H 642

To amend, ratify and confirm the charter of the Town of Kennedy, in Lamar County.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of Kennedy, in the County of Lamar, shall be and continue a body politic and corporate by the name of the Town of Kennedy, and by this corporate name may sue and be sued, grant, receive and do all other acts as natural persons in respect to the power herein granted, may purchase and hold real and personal and mixed property and dispose of the same for the benefit of said town and may have and use a corporate seal, which may be broken or altered at pleasure.

Corporate limits Sec. 2. Be it further enacted, That the corporate limits of the Town of Kennedy shall embrace an area as follows: Beginning at the crossing of Columbus and Pickens streets, in the Town of Kennedy, running east one quarter of a mile and from said crossing south one-quarter of a mile and from said crossing west to the land line of A. L. Walker and John Belk and from said crossing north to Luxapalila river, forming a square, and shall have police jurisdiction extending five hundred yards beyond the corporate limits.

Elections Sec. 3. Be it further enacted, That an election shall be held in the Town of Kennedy on the first Monday in March, 1899, and every two years thereafter for the purpose of selecting a mayor and five councilmen, male inhabitants over the age of twenty-one years, residents of said town, who shall serve a term of two years, and until their successors in office are elected and qualified, provided, the present mayor and councilmen shall hold their office until the first Monday in March, 1899, and until their successors are elected and qualified. And all persons living within said corporation thirty days and are qualified voters for the members of the General Assembly of this State, shall be entitled to vote in said municipal election. If from any cause, said town fails to hold an election on the day specified by this act, the mayor and councilmen shall within thirty days thereafter hold an election: Provided, That notice of such election be published by posting notices in three public places in said town for ten days prior to the day set for such election. And the board of managers of said corporation election shall be appointed by the mayor and board of councilmen. The mayor and councilmen shall declare the result of the election and determine who are elected officers. In case of a tie shall determine who shall be mayor and councilmen, but the corporation shall not be dissolved should there be no election as herein prescribed. And should said mayor and councilmen fail or refuse to order such election within thirty days as above prescribed, they shall be guilty of a misdemeanor, and the cit-

izens, legal voters of said town, may order said election as described. That any election held under this act may be contested in the same manner as is or may be provided by laws of this State for the contest of elections of judge of probate, and that so far as possible they shall apply to all elections under this act.

Sec. 4. Be it further enacted, That the board Powers shall consist of a mayor and five councilmen and shall have the following powers: 1. To control the finances and the property of the corporation. 2. To appropriate money for the purposes provided in this act and by proper ordinances to provide for the payment of the legitimate debts and expenses of the corporation. 3. To levy and collect taxes for the general and special purposes on real and personal property situated within the limits of the town. 4. To license all business and trade not prohibited by the Constitution and laws of the State of Alabama, to fix the amount, terms and manner of issuing or revoking such license, to provide a penalty for doing business without such license when it is required. 5. To license and regulate auctioneers, lumber yards, livery stables, public sales, money changers, second-handed and junk stores. 6. To license, regulate and restrain hackmen, porters and public houses, expressmen and others pursuing like occupations and to prescribe their compensation. 7. To license and regulate and restrain pin alleys, ball players and billiards, or any other table used for similar purposes. 8. To prohibit and suppress houses of prostitution and disorderly houses, also to suppress gaming, gambling and gambling houses, lotteries and all fraudulent devices and practices for the purposes of gaming or obtaining money or property, and prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations, and to prevent or prohibit all public masquerades, exhibitions and amusements which violate public morals and decency. 9. To assess, levy and collect annually a tax for general and special purposes on real and personal property, at a rate not exceeding one-half

Powers

of one per cent. on the cash value thereof. 10. To license, regulate and restrain peddling and vending of patent medicine within the corporate limits of said town. 11. To establish, open and alter, vacate, abolish and widen, extend, grade, cut down, fill in, or otherwise improve all streets, sidewalks, alleys, public grounds and squares, and to provide for the payment thereof in a manner not inconsistent with the provisions of this act. 12. To plant trees upon the same, to regulate the use of the same, to prevent and remove obstructions and encroachments upon, and to provide for the cleaning of the same. 13. To regulate the use of sidewalks and structures thereunder, and to require the owner or occupant of any premises to keep the sidewalks in front or along the same free from obstruction. 14. To regulate or prevent the throwing or depositing of any ashes, dirt, garbage, or other offensive matters in, and to prevent injury to any street, ravine, alley, or public grounds. 15. To regulate the speed of horses and other animals, vehicles, etc., within the corporate limits. 16. To provide for the draining off or filling up ponds or mud holes on property whenever necessary to abate and prevent nuisances, and to cause the same to be done at the expense of the town, or at the cost of the owner of the premises as the council may deem best. 17. To maintain cleanliness and health, to provide for the cleaning of places likely to become detrimental thereto, and by ordinance to protect health, prevent the spread of diseases, maintain a good sanitary condition in streets, public places and private places in the town. 18. To suppress all nuisances at the expense of the person causing the same, or upon whose premises the same may be found, on private or public property, and may enter on private property for that purpose. 19. To establish a system of drainage, to regulate the manner in which private property may be drained. 20. To prevent the sale of decayed or adulterated food, or adulterated drinks. 21. To prevent any offensive or unwholesome business or establishment within the corporate limits of the town.

22. To compel the owner of any grocery, cellar, tannery, stable, pig sty, privy, sewer, or other unwholesome place or nuisance, to cleanse, remove or abate the same, and to regulate the location thereof. 23. To provide for the erection and care of public buildings necessary for the use of the town, to provide for the taking of the census of the town, which may be taken every two years, but not oftener. 24. To exercise the right of eminent domain for public purposes in the manner prescribed by the Constitution and laws of the State of Alabama. 25. To regulate the police of the town and to restrain and prohibit disorderly conduct and breaches of the peace. 26. To regulate, restrain or prohibit the use of fire-works, fire crackers, torpedoes, roman candles, sky rockets, and other fire-works. 27. To prohibit and prevent cruelty to animals, to restrain vagrants, mendicants and prostitutes, to prohibit and restrain gaming and the keeping of gaming houses, to prevent nuisances and punish persons creating the same, and to abate and remove the same at the expense of the person causing or creating it. To remove any obstruction of the sidewalks, streets and alleys, to punish the same by fine, and remove the same at the expense of the person causing the same. To regulate partition and other fences and walls, to increase the police force at any time when necessary, to pass and enforce all ordinances needful and beneficial to the inhabitants of the Town of Kennedy, not in conflict with the Constitution and laws of the State of Alabama, and the provisions of this act. 28. To license, regulate and restrain the selling or giving away of any spirituous, vinous or malt liquors within the corporate limits of the town, the license not to extend for a longer time than the fiscal year in which it is granted, and the board of councilmen may fix the license for selling such spirituous, vinous or malt liquors in a sum in their discretion not to exceed twelve hundred and fifty dollars per annum: Provided, That permission may be granted to druggists for the sale of liquors for medicinal purposes, chemical, mechanical and sacramental purposes, subject to forfeiture un-

Powers

Powers

der such regulations as may by ordinance be established. 29. To revoke all license under such restrictions and regulations as may be provided by ordinances. 30. To close houses and places for the sale of intoxicating liquors, when the public peace and safety may require. 31. To forbid and punish the selling or giving away of any spirituous, vinous or malt liquors to any minor, habitual drunkard, or person of feeble mind. 32. To prescribe the duties and powers of the marshal, policemen or watchman, and to provide for the payment of said officers. 33. To pass ordinances for the punishment of all persons who in any manner interfere with any police officer in the performance of any of his duties as such police officer; and for the punishment of any person who, when called upon by any of the town officers to aid in the arrest of any person in the police jurisdiction of said town, and shall refuse to render assistance as required. 34. To any person against whom, upon trial for the violation of a town ordinance, a fine or penalty has been imposed, may, upon the order of the mayor, be committed to the town prison until such fine and costs are paid, but shall not be imprisoned for more than ninety days. The board of councilmen have the power to provide by ordinance that every person so committed shall be required to work out such fine and costs upon the streets or otherwise in payment of such fine not exceeding one dollar per day, exclusive of board. Provided, That no female shall be required to work upon the streets of said town. 35. The board shall have authority to require all male inhabitants of said corporation, who would otherwise be subject to road duty, under the road laws of Lamar county, to work upon the streets of said town not exceeding ten days in each year, under such directions as the board may prescribe; provided, that any person so required to work may relieve himself from working by paying into the town treasury such a sum as the board may direct, not to exceed, for any one year, the sum of five dollars; provided, further, that the male inhabitants of said town may be exempt from working

on the roads and highways outside of said town limits; the money so paid into the treasury shall constitute a street fund, and shall be applied exclusively to working and improving the streets of said town. 36. The board shall have the power to prescribe and define the limits in which spirituous, vinous or malt liquors shall be sold, and the board shall have the power at all times to revoke all license for the sale of spirituous, vinous or malt liquors for violation of the Sunday law or keeping a disorderly house. 37. The board shall have the power to supply all vacancies in its body, and the person so appointed shall hold until his successor is elected and qualified.

Sec. 5. Be it further enacted, That the mayor and councilmen may levy and collect each year taxes upon real and personal property, which is subject to State taxation within said town not exceeding one-half of one per centum, on the value of such property, and subject to taxation. All property is subject to taxation within the corporate limits of said town at the time the levy is made and shall be liable to taxation as hereby provided. 2. The board of councilmen shall inspect the return of the assessors, and in case where the property is not given in its value shall raise the valuation thereof, after first giving the owner thereof ten days notice to appear before them, and show cause why the same should not be done; and the taxes levied under this act shall have the force and effect of any judgment at law against the person assessed therewith, and for the payment of such taxes the Town of Kennedy shall have a perfect claim over all incumbrances and securities whatever, and all the taxes assessed against the property of any person or persons under this act, or for which such person shall become liable for the current year, shall be a lien upon the real and personal estate of such person or persons within the Town of Kennedy, on the 1st day of January of that year, or shall attach from the time it is brought in, if brought into the town after that time. 3. After the taxes shall be fixed and levied the person empowered to collect the

Sales

Right to
redeem

taxes shall give thirty days notice, by posters in conspicuous places, that he is ready to receive payment of the taxes so levied. 4. After thirty days have elapsed, from the first publication of such notice, the said collector of taxes, or his deputy, shall make a personal demand on the delinquent tax payers wherever they may be found. 5. After the expiration of sixty days from the first publication of said notice as aforesaid, the tax collector may levy upon, seize and sell any personal property, if there be any, if none or not sufficient of the personal property, then upon the realty of such delinquent taxpayer, and no personal property so sold shall be subject to redemption, but when real estate is levied upon, ten days notice of such sale must be given by posting in three public places in the Town of Kennedy. The land may be described by such numbers and abbreviations as will clearly indicate the land to be sold, and the sale shall be in front of the mayor's office in said town. 6. At such sales the tax collector shall sell off a sufficient quantity of such property as to meet the costs of sale and the taxes, and shall give a certificate of purchase to the person so bidding the same in. The town of Kennedy may be a purchaser in the absence of a bidder for such property, and said certificate of purchase shall vest in said town of Kennedy the same rights and titles as other persons. 7th. Any real property sold under the provisions of this act may be redeemed at any time within two years after the sale by payment to the town of Kennedy the amount of the purchase money, all subsequent costs and taxes that may have been paid by the purchaser, with interest thereon at the rate of ten per cent. per annum; and upon said payment shall receive from the tax collector a certificate of redemption thereof. It shall be the duty of the tax collector or the person or officer employed by the board to collect the taxes, to keep a record of all certificates of purchase and redemption. After the expiration of two years from the date of sale, if the property so sold is not redeemed, the tax collector then in office shall, upon application of the holder of the

certificate of purchase, make deed to such property sold and unredeemed, and deliver the same to such certificate holder or his assignee upon return of the certificate of purchase and payment of all subsequent taxes upon said property, and one dollar for the deed; and such deed shall be made by the tax collector in his official capacity, and so signed and acknowledged by him before some officer competent to take acknowledgements of conveyances, and shall invest the holder with the same rights as any other deed to real estate and be in like manner recorded. 8th. For failure to work the streets, such person so failing shall be reported to the mayor by the marshal or other officers, who shall oversee such work as may be provided by ordinance of said town. The mayor shall try such defaulter after being arrested and brought before him, and may assess a fine, if found guilty, not to exceed three dollars per day for each day in default.

Working
streets

Sec. 6. Be it further enacted, That the mayor and council of said town shall have power to employ or appoint a clerk, marshal and all other officers they may deem advisable for the good and convenience of the town, and may fix and regulate their duties; also may employ counsel for advice and for the prosecution of offenders and for defense of all suits against said town, and for such other purposes as the mayor and council may deem necessary for the good and welfare of the town.

Town officers

Sec. 7. Be it further enacted, That the town council shall have power to pass ordinances, not in conflict with the laws of the State of Alabama, for the punishment of any criminal offense committed in the said town within its jurisdiction, and all ordinances for the punishment of any offense against said ordinance, unless the same be restricted to the town limits, shall apply to the police jurisdiction as well; any conviction of an offender against any ordinance of said town, for an offense which is a misdemeanor under the laws of the State of Alabama, shall be a bar to further prosecution of the same offense in any of the State Courts.

Ordinances

Appeals

Sec. 8. Be it further enacted, That where parties are before the mayor, or in his absence, before the mayor pro tem., dissatisfied with any judgment rendered by said mayor, or mayor pro tem., he may forthwith appeal to the Circuit Court of Lamar county, by giving bond with good security to be approved by the mayor, conditioned to pay and satisfy such judgment with costs, as the Circuit Court may render on such appeal; but, unless such bond be given within five days then no appeal shall be allowed from such judgment. The proceedings on such appeal shall be in all respects as prescribed by law in cases of appeal from judgments of justices of the peace in civil cases, except as changed by this section. If such defendant fails to appeal in said Circuit Court and the case is called for trial, the judgment of the mayor shall be affirmed, and judgment shall be rendered against the defendant and the sureties on his appeal bond, for the amount of the fine and costs imposed on him by the mayor, and the costs of appeal, unless good cause be shown to the Court for his absence or default. In case the defendant appears and judgment is rendered by said Court for money, the Court must also render judgment against the sureties on his appeal bond for the amount of such judgment and costs; and if the judgment of the Circuit Court be that the defendant be imprisoned or put to hard labor for the town; then the Court shall render judgment against the defendant and the sureties on his appeal bond for all costs and remand the defendant to the town authorities for punishment. From the judgment of said Circuit Court of Lamar county, the defendant may appeal to the Supreme Court of the State.

Public act

Sec. 9. Be it further enacted, That this act is declared to be a public act, and may be read in evidence in all Courts of law or equity, and all ordinances, resolutions or proceedings of the town council may be proved by the seal of the corporation, attested by the town clerk, and when printed and purported to be published by the authorities of the corporation, the same shall be received in evidence in all Courts and places without further proof.

Sec. 10. Be it further enacted, That the several members of the police force shall have authority to immediately arrest, without warrant, and to take into custody any person who shall commit or attempt to commit in the presence or in his view, or if he shall good reason to believe that any person has committed any breach of the peace or public offense prohibited by the laws of Alabama or any ordinance of the town council, and such policeman shall upon such arrest, unless bond be given, deliver such offender to the keeper of the town guard house, that he may be dealt with according to the law by the Mayor's Court at the next sitting, and the officer shall, without delay, report the arrest and cause thereof to his superior officer.

Police

Sec. 11. Be it further enacted, That every person committed to the work house or to work on the streets shall be required to work at such labors as his health and strength will permit within or without said town, not exceeding ten hours a day, and for such work the person shall be allowed, exclusive of his board, one dollar per day, until the whole is discharged. No person shall be compelled to work longer than ninety days for any offense.

Work

Sec. 12. Be it further enacted, That the mayor shall be the chief executive of the town and perform all such duties as are or may be prescribed by the by-laws and ordinances of said town, and shall take care that the laws and ordinances are faithfully executed. 2. That the mayor shall, from time to time, lay before the board a full statement of the condition of affairs of the town, and shall recommend such measures as he may deem expedient. 3. The mayor shall have the power at all times to examine and inspect the books, records and papers of any employee, agent or officer of the town of Kennedy, and shall have jurisdiction and power to try any violation of the laws and by-laws and ordinances of the town, and shall have jurisdiction concurrently with the County and Circuit Courts of all misdemeanors known to the laws of the State committed within the corporate limits. 5. The mayor shall be police magistrate of said

Duties of
mayor

town, and shall impose the penalties prescribed by the ordinances as by this act, for the violations of the ordinances and by-laws of the town: Provided, That in no case shall the fine exceed \$100, or hard labor for not more than ninety days. 6. He shall have power to remit all fines and costs. 7. He shall have the power to remove the clerk, marshal, or any police, or any other officer of the town elected by the board, whenever he deems there is good and sufficient reason therefor; but he must file in writing a statement with the board not more than five days after the removal, giving his reasons for so doing; and on his failure to so file said statement with the clerk of the board, or if the board, by two-thirds vote, to be entered upon the record, shall disapprove of such removal, the officer so removed shall be reinstated in office. 8. He shall have power to punish for contempt of Court by fine not exceeding twenty-five dollars and imprisonment not exceeding twenty-four hours, one or both. 9. He shall have power to issue all writs necessary for the collection of fines, costs, or other matters of judgment rendered by said mayor.

Quarantine Sec. 13. Be it further enacted, That the mayor and councilmen are hereby invested with full authority to establish and maintain a quarantine and to make such rules and regulations as may be necessary to prevent the introduction or spread of contagious or infectious diseases, and to effect that purpose may appoint such guards and superintendents as may be deemed necessary; and shall also have power to establish hospitals for persons affected with contagious or infectious diseases; and the costs of such quarantine and the establishment of such hospitals as aforesaid must be paid by said corporation.

Present laws Sec. 14. Be it further enacted, That the laws and ordinances now in force in said town of Kennedy not inconsistent with the provisions of this act, shall remain and continue to be of full force until repealed by the mayor and councilmen.

Ordinances Sec. 15. Be it further enacted, That the style of all ordinances of said town shall be "Be it ordained by the Mayor and Board of Aldermen of

the Town of Kennedy." 2. All ordinances and their publication may be proven by certificate of the clerk of the board over his signature. 3. All actions in the nature of prosecutions for the violation of the town ordinances to recover any fine or to enforce any penalty under any by-law or ordinance of said town, shall be brought in the name of the town of Kennedy as plaintiff; all fines and forfeitures for the violation of any of said town, and all money collected for license shall be paid into the town treasury of said corporation at such time and in such manner as the board may direct.

Sec. 16. Be it further enacted, That the provisions of this act shall go into effect immediately after its passage; and all the rights, power and authority herein granted are hereby vested in the present mayor and councilmen of the town of Kennedy, who are hereby declared a board of councilmen of said town, and who shall exercise the rights and privileges and powers herein granted, and to perform all duties as set forth until their successors are elected and qualified. Effect

Sec. 17. Be it further enacted, That the treasurer and tax collector of said town shall give bond, respectively, in such sums as may be fixed by the mayor and aldermen by an ordinance entered at a regular or special session of the board on the books or minutes of said board; said bond to be approved by the mayor. Bonds

Sec. 18. Be it further enacted, That all laws in conflict with this act be and the same are hereby repealed. Repeal

Approved February 23d, 1899.

No. 788)

AN ACT

(H. 1244

To regulate the trial of misdemeanors in Madison county.

Section 1. Be it enacted by the General Assembly of Alabama, That the County Court of Madison county shall have concurrent jurisdiction with

the Circuit Court of said county for the trial of misdemeanors.

Duty of circuit judge

Sec. 2. Be it further enacted, That the presiding judge of the Circuit Court, at each succeeding term, shall enter on the minutes of his court on the day of adjournment an order requiring the clerk of the Circuit Court to deliver to the judge of the County Court of said county all indictments presented or filed in the Circuit court, and not finally disposed of, against persons charged with the commission of misdemeanors, except indictments against such persons as the judge of the County Court, by reason of relationship or any other cause, shall be incompetent to try, and after the making of such order the jurisdiction of said Circuit Court shall cease, and exclusive jurisdiction shall vest in the County Court: but where causes which the judge of the County Court is incompetent to try, have been improperly transferred, they shall be returned to the clerk of the Circuit Court for trial and it shall be the duty of the clerk of the Circuit Court to reinstate said cause to its former place on the docket of the said circuit court.

Terms

Sec. 3. Be it further enacted, That the terms of the County Court of said county shall be held quarterly, at the Court House of said county, on the first Monday in January, the first Monday in April, the first Monday in July and the first Monday in October, and each term may continue not longer than one week.

Waiving jury trial

Sec. 4. Be it further enacted, That any defendant in a cause pending in the County Court, who is in jail, who by himself or attorney files with the clerk of the County Court a writing, setting out the fact that he waives a trial by a jury and that he demands a speedy trial, shall be entitled to a trial on any day in the year, excepting Sundays, if it is made to appear to the judge of the County Court that notice of the demand and the hour set for trial has been served on the solicitor, twelve hours before the time set for said trial, provided there is no good cause for a continuance shown.

Sec. 5. Be it further enacted, That in all cases, the defendant; whether tried by a jury or by the court on waiving a jury, shall have the right to appeal to the Supreme Court only, and may reserve, by bill of exceptions any question of law arising in any proceedings in like manner and form as provided for in similar cases in the Circuit Court.

Appeal

Sec. 6. Be it further enacted, That all proceedings as to bail, conditional judgments, forfeitures, judgments final and alias warrants of arrest, shall be the same as those provided by law for similar cases in the Circuit Court. And in all cases transferred as above provided judgments may be set aside, reduced, or made absolute and the same orders taken as if all former proceedinge, orders and judgments, had and taken in Circuit Court, had been made and rendered at prior terms of the County Court.

Proceedings

Sec. 7. Be it further enacted, That in all prosecutions for misdemeanors, now pending or here after instituted by complaint in the County Court of Madison county, the defendant shall have the right to demand an investigation by the grand jury of Madison county, before being put upon trial for the same, and upon such demand made before the judge of said County Court, the defendant shall be bailed, or in default of bail committed to appear at the next term of the Circuit Court of said county, to answer an indictment that may be found against him, and such county judge shall recognize the witnesses for the State to appear before said grand jury and testify, and shall also present to said grand jury the papers in such cause as in cases in County Courts not having special powers where defendants demand juries as now provided by law.

Bail

Sec. 8. Be it further enacted, That the judge of said County Court shall receive in full of his compensation as such, and in lieu of all fees and perquisites now allowed by law. the sum of four hundred dollars per annum, to be paid quarterly out of the county treasury on the order of the Commissioners Court of said county.

Salary

Jury trials

Sec. 9. Be it further enacted, That it shall be the duty of the County Court to hear counsel and decide each cause without a jury, unless the defendant demands a jury, but the question must be put to the defendant whether he will demand a jury, and if he waive a jury it must be entered of record, but if a jury is demanded the case must be set for trial on a day when a jury has been summoned to wait on said Court; and the procedure of the trial, except as altered by this act, shall be the same as is now provided by law in like cases in the Circuit Court; provided, the judge of the County Court shall, when in his judgment the business of the Court does not demand it, at any time twenty days before one of the regular terms of said Court, make a written order in the minutes of said Court to the clerk of said Court, directing him not to order the sheriff to summon the jury for the next term of said Court.

Juries

Sec. 10. Be it further enacted, That the jury commissioners of Madison county shall draw the juries for the County Court of said county in the same manner as juries for the Circuit Court are drawn.

Trials

Sec. 11. Be it further enacted, That the first two days of each term of said County Court shall be devoted to the trial of cases in which the defendant has waived a jury, and the jurors for the first week of each term shall not be summoned to attend on said Court before Wednesday of said week.

Juries

Sec. 12. Be it further enacted, That if in consequence of any neglect on the part of the jury commissioners, or from any other cause, no jury is returned to serve at any term of the Court, after the passage of this act, for any week thereof, the judge of the County Court may, by an order entered on the minutes, direct the sheriff to forthwith summon as many persons as the Court may direct to serve as jurors, and the persons so summoned, failing to attend, are subject to the same penalties as if they had been regularly drawn and summoned, to be recovered in the same manner; the Court may supply any deficiency, as in other

cases, and a jury thus organized is in all respects legal.

Sec. 13. Be it further enacted, That it shall be the duty of the sheriff or deputy sheriff to attend the settings of said Court at each regular term thereof, and, in their absence, some suitable person shall be appointed by the Court to act in their stead, whose compensation shall be one dollar and fifty cents per day, to be paid out of the county treasury. The Court may appoint not more than three bailiffs to attend each regular term of said Court, to be paid the same amount per day out of the county treasury.

Sheriff or
deputy

Sec. 14. Be it further enacted, That it shall be the duty of the solicitor for Madison county to attend said County Court, either in person or by deputy, and shall prosecute all cases in said Court for the State, and for so doing he shall receive the same fees as for similar services in the Circuit Court, to be collected and paid in the same manner.

Solicitor

Sec. 15. Be it further enacted, That in each case where there is a conviction in the said County Court, the judge of said Court shall assess three dollars as costs against the defendant in addition to the other fees and costs in the case, which sum shall belong to the county, and must be paid into the county treasury.

Costs

Sec. 16. Be it further enacted, That the clerks of the Circuit Court of the County of Madison shall be ex-officio the clerks of the County Court of said county.

Clerks

Sec. 17. Be it further enacted, That it shall be the duty of the present circuit clerk to take possession of the records, files, dockets and all papers of every character whatsoever belonging in the office of the County Court, and it shall be the duty of the present clerk and his successors to keep all such papers, books, dockets and records belonging in the said office of the county clerk with care and security; the papers filed, arranged, numbered and labelled so as to be of easy reference, and the books, dockets and records properly lettered and indexed and to allow all parties to inspect the records free of charge.

Duties

Fees

Sec. 18. Be it further enacted, That the clerks of the Circuit Court of Madison county shall receive the same fees for their services, as ex-officio clerks of the County Court, as is allowed them for like services rendered by them in the Circuit Court in similar cases, and said fees shall be taxed as costs against the defendant if convicted, or against the prosecutor under the provisions of Section 4619 of the Code of Alabama, and if not paid presently, may be collected by execution.

Sec. 19. Be it further enacted, That in cases where the defendant is discharged and the prosecutor is not taxed with the costs that the fees of the clerk of the Circuit Court, when so acting, as ex-officio clerk of the County Court, shall be paid out of the fine and forfeiture fund of said county.

Jurors

Sec. 20. Be it further enacted, That jurors serving in said Court shall be drawn, summoned, impaneled and sworn in the same manner in all details as are now provided by law for juries in the Circuit Court; and the duties of the clerk and sheriff shall be the same in reference thereto as under the general laws, except as otherwise herein specially provided.

Repeal

Sec. 21. Be it further enacted, That all laws and parts of laws in conflict herewith are hereby repealed.

Approved February 23d, 1899.

No. 789)

AN ACT

(H. 824)

For the relief of White, Woodruff and Fowler, of the County of Montgomery, Alabama.

Appropriation

Section 1. Be it enacted by the General Assembly of Alabama, That the sum of two hundred and nine and forty-five one-hundredths dollars, be and the same is hereby appropriated, out of any moneys in the treasury of the State of Alabama, not otherwise appropriated, to the use of the corporation of White, Woodruff and Fowler, or their assignees and successors, in payment for record

books and stationery furnished by it to Sterling A. Wood, as clerk of the Supreme Court of Alabama, during the period between February 9, 1894, and February 6, 1895, inclusive, for the use of said Court, and of himself, as clerk thereof, and for which said corporation has never been paid, although said articles were necessary to the proper conduct of said Court.

Sec. 2. Be it further enacted, That on the passage and approval of this act the auditor of the State of Alabama is instructed to draw his warrant on the treasurer in favor of said corporation of White, Woodruff and Fowler, its successors or assigns, for said sum, in full payment for the articles described in Section 1 of this act.

Approved February 23d, 1899.

No. 790)

AN ACT

(H. 1396

To authorize the city council of Montgomery to issue bonds for the purpose of borrowing money to construct sanitary sewers in the City of Montgomery.

Section 1. Be it enacted by the General Assembly of Alabama, That the city council of Montgomery be and hereby is authorized to issue coupon bonds to the amount of twenty thousand dollars, all of which are to bear interest payable semi-annually or quarterly, at such place or places as may be designated therein, and shall be issued under the corporate seal of the City of Montgomery, and be signed by the mayor and clerk of said city, to bear interest at a rate not exceeding six per centum per annum, and running for such time not exceeding fifty years from their date, as may be determined by said council. None of said bonds shall be of a lower denomination than one hundred dollars, and shall not be sold or disposed of by said council at less than their par value.

Sec. 2. Be it further enacted, That the bonds, and coupons for interest thereon, issued under this

City treasurer

act shall be negotiable paper, and may be made payable to bearer, but the holder of any such bonds may convert the same into registered bonds by an entry on the back of the same, in the presence of and witnessed by the treasurer of said city, that said bonds are registered. While said bonds remain so registered, the same shall not be negotiable or assignable, and the principal sum of all bonds so registered, and the coupons for interest thereon, shall be paid by such treasurer only to the person in whose name the same are registered, or to the personal representative or successor in trust of such person. It shall be the duty of the city treasurer to keep a record of such registered bonds. Any bonds so registered may again become negotiable by an endorsement thereon by the lawful holder thereof that said bond is negotiable, which said endorsement must be made in the presence of and witnessed by the city treasurer, who shall thereupon enter on the record of registration that such bond so endorsed is no longer registered; and such endorsement can only be made by the person in whose name the bond is registered, or the personal representative or successor in trust of such person. The city treasurer, together with the sureties on his bond, shall be liable for all damages which may result to any person by reason of allowing the endorsement of any registered bond by any person, other than the person in whose name the same is registered, or the personal representative or successor in trust of such person; but in all cases where the treasurer shall be in doubt as to the right or lawful authority of any personal representative or successor in trust to make such endorsement, the treasurer may require the person claiming the right to make such endorsement to procure, at his or her own expense, a decree of a Court of competent jurisdiction, authorizing such person to make said endorsement, and such decree shall protect the treasurer from all liability for allowing such endorsement.

Use of proceeds

Sec. 3. Be it further enacted, That the proceeds of the sale of said bonds shall be used and applied by the said city council for the purpose of

constructing sanitary sewers in the City of Montgomery, exclusively. Said sum shall be used for the purpose named, under the direction and control of the said city council, as it may deem best, and the said council is hereby authorized to adopt such ordinances as may be necessary to carry into effect the provisions of this act.

Sec. 4. Be it further enacted, That no action taken by the said council in reference to the application of the funds arising from the sale of said bonds shall be valid, unless the same is taken by ordinance or ordinances approved by the mayor, as required by the charter of the City of Montgomery, or, if the mayor should veto such ordinance or ordinances, then, until the same shall have been passed by the council over such veto, by a vote of two-thirds of the members of said council. When issue
valid

Sec. 5. Be it further enacted, That should the said council fail to sell said bonds, or any part thereof, after advertising the same in some newspaper of general circulation for not less than three weeks; then the said council is authorized to use said bonds, or such part thereof as may be necessary, to accomplish the purpose intended by their issue. Sale of

Approved February 23d, 1899.

No. 791)

AN ACT

(H. 1384

To amend Section 1 of an act entitled "An act to confer certain powers on the board of control of the Jackson Agricultural College and their successors," approved February 15th, 1897.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of an act entitled "An act to confer certain powers on the board of control of the Jackson Agricultural College and their successors," approved February 15th, 1897, be and the same is hereby amended so as to read as follows: "Section 1. Be it enacted by the General Assembly of Alabama, That the board of control Duty of
board

of the Jackson Agricultural College, or their successors, shall elect every year the professors and teachers, one of whom they shall make president, who, when so elected, shall constitute the faculty."

When act
goes into
effect

Sec. 2. Be it further enacted, That the provisions of this act shall not go into effect during the present term of the present professors and teachers, but on the death, expiration of term, or resignation of any of them, the present law shall take effect as regards that particular person's successor; and after the terms of all of the present incumbents as teachers and professors have expired this law shall be in full force and effect.

Approved February 23d, 1899.

No. 792)

AN ACT

(H. 1402

To repeal an act entitled "An act for the protection of song birds, game fowls and game mammals in the State of Alabama," approved February 8, 1899, so far as it relates to or effects Covington county.

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "An act to protect song birds, game, fowls and game mammals in the State of Alabama," approved February 8, 1899, be and the same is hereby repealed, so far as it relates to or effects Covington county.

Approved February 23d, 1899.

No. 793)

AN ACT

(H. 1452

For the preservation and protection of certain birds in Lee County, Alabama.

Game

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful at any place in Lee county to catch, kill or injure or pursue with such intent, any quail, sometimes called part-

ridges, between the 15th day of March and the 15th day of November; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any turtle dove, sometimes called mourning dove, between the 1st day of March and the 15th day of July.

Sec. 2. Be it further enacted, That any person ^{Penalty} who shall violate the provisions of this act shall be guilty of a misdemeanor and, on conviction, shall be fined not less than ten dollars nor more than fifty dollars.

Sec. 3. Be it further enacted, That an act entitled "An act for the preservation and protection of birds in Lee county," approved February 4th, 1899, and all other laws and parts of laws in conflict with this act, in so far as they apply to Lee county, be and the same are hereby repealed. ^{Repeal}

Approved February 23d, 1899.

No. 795)

AN ACT

(H. 950)

To provide for the payment of certain fees of the solicitor of the City Court of Talladega in two felony cases sentenced to the penitentiary in 1897.

Whereas, On, to-wit: January 21st, 1897, one Steve Camp was convicted of arson in the first degree in the City Court of Talladega and sentenced to the penitentiary; and on, to-wit: January 25th, 1897, one Emmerson Headen was convicted of murder in the first degree in said Court and sentenced to the penitentiary; and, whereas, the solicitor of said Court received as compensation for his services fees allowed by law where convictions are secured, and the solicitor's fee in each of said cases is seventy-five (\$75.00) dollars; and, whereas, at the time when said convictions were secured there was no law providing for the collection thereof, and Alex M. Garber, the solicitor of said Court, filed and registered two claims against the fine and forfeiture fund of Talladega county for ^{Preamble}

the amount of solicitor's fees in the two said cases, to-wit: \$150.00; therefore,

Appropriation

Section 1. Be it enacted by the General Assembly of Alabama, That the auditor is hereby authorized and required to draw his warrants on the State treasurer in favor of J. A. Huey, clerk of the City Court of Talladega, for the aggregate sum of \$150.00, and the said J. A. Huey shall pay the same, when collected, over to the said solicitor of said Court, and take up the registered claims of said solicitor against the fine and forfeiture fund of Talladega county, and deliver said registered claims to the treasurer of Talladega county, who shall thereupon cancel same upon his books. And the State treasurer is authorized and required to pay the money herein appropriated out of the convict fund of the State.

Approved February 23d, 1899.

No. 796)

AN ACT

(H. 926

Ta relieve Mat Clinton of the payment of fine and cost in case of State vs. George Banks, convicted in Tuskaloosa County Law and Equity Court.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That Mat Clinton, who confessed judgment for the payment of the fine and costs in the case of State vs. George Banks, convicted at the January term, 1898, of the Tuskaloosa County Law and Equity Court, is hereby relieved of the payment of such fine and costs.

Approved February 23d, 1899.

No. 797)

AN ACT

(H. 877

To amend an act "To establish a separate school district, to be known as the Whatley School District of Clarke County, Alabama," approved February 18th, 1897.

Section 1. Be it enacted by the General Assembly of Alabama, That the act creating a school dis-

trict, known as the Whatley School District, in Clarke county, be amended so as to exclude from said district that part of Township 8, Range 3, lying south of Fisher's creek. Act amended

Approved February 23d, 1899.

No. 799)

AN ACT

(H. 1281

To incorporate the Cross Keys High School in the Town of Cross Keys, Macon County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That John S. Lightfoot, James H. Henderson, J. Atwood Bullock, Louis A. Lyon, F. Marion Letcher, Joel Oswalt, James C. Pinkston, John K. Watson, Robt. F. Collier, J. A. Vant, Charles A. Tuttle, and their associates and successors in office, be and they are hereby constituted a body corporate, by the name and style, The Cross Keys High School, and by that name shall have full power and authority to have and use a common seal, and the same to break, alter or amend at pleasure, or to do business without a seal; to sue and be sued; to receive subscriptions for stock and gifts and donations, and to make purchase of real and personal estate, which shall inure to them and their successors forever, and to sell and dispose of same when it may be deemed expedient: Provided, The same do not exceed the sum of ten thousand dollars; to grant certificates of scholarship: Provided, Such certificates shall not entitle the holder thereof to teach in the public schools of the State without examination, and further, to pass such by-laws, rules and regulations that such corporation may deem essential for the government of said high school; provided, that such by-laws, rules and regulations be not repugnant to the laws and constitution of this State or those of the United States; provided, that said property of said Cross Keys High School shall be used exclusively for a high school for girls

Incorporators
Name
Rights

and boys of the white race only. That the directors, officers or agents of said corporation shall not have power or authority to contract in any manner, become liable for the payment of any amount, debt or obligation so as to in any manner bind or make liable the property, real or personal, of said corporation, unless by unanimous vote of all the stockholders of said corporation, taken at a special meeting of said stockholders called for that purpose after ten days notice, the proceedings of which meeting shall be spread upon the minutes of said corporation. It shall be decided to contract an indebtedness binding property of said corporation, in which event the obligations therefore shall be signed by the president and secretary of the board of directors: Provided, That no property, real or personal, of the individual members or stockholders of said corporation shall in no wise whatever be held liable for the debts or contracts of said corporation. But all property, real or personal, of said corporation only shall be liable for its debts.

Directors

Sec. 2. Be it further enacted, That as soon as convenient after the passage of this act, the said persons, or a majority of them, shall assemble and organize, by electing five of their number a board of directors of said Cross Keys High School, and said board shall elect one of their number president, and another secretary, and another treasurer, and all such other officers as may be necessary and desirable, and said president, secretary and other officers shall hold office until the next annual election of directors, and said board of directors shall thereafter be elected annually at such time and place and in such manner as the stockholders may prescribe and direct, and such treasurer shall give bond in such manner and in such sum as said stockholders may direct.

Property

Sec. 3. Be it further enacted, That all property, real or personal, already acquired by said corporation, shall be and is hereby confirmed to said corporation.

Sec. 4. Be it further enacted, That said directors and stockholders, and their successors, shall

act in concert with the board of trustees of the Cross Keys High School in establishing and maintaining a high school for girls and boys of the white race in said town of Cross Keys, Macon county, Alabama, under such rules, laws and regulations and conditions as may be deemed necessary by them under the power and law creating Cross Keys beat, Townships 16 and 17, Range 21, a separate school district, passed by General Assembly of Alabama, session of '96-7. And, provided, That nothing in this act shall be construed to conflict with said act establishing a separate school district for and a high school for Cross Keys, Macon county, Alabama.

Duty of
directors, etc

Sec. 5. Be it further enacted, That the stock of said corporation shall be divided into shares of ten dollars each, and said board of directors shall be and they are hereby authorized to issue certificates of stock to original subscribers for the said stock for the amount respectively subscribed for purchasing and improving the corporate property, said certificates to be signed by the president and secretary of said board: Provided, That the stock issued shall not exceed in aggregate five thousand dollars, and shall only be issued for property actually acquired by purchase for the corporation and for permanent improvements made upon said corporate property, and said stock shall only be issued upon a resolution passed by said board at a regular meeting.

Stock

Sec. 6. That the stock of said corporation shall only be transferable by indorsement in writing, signed by the owner and holder thereof, and such transfer shall be spread upon the minute book of the corporation; and said corporation shall have an option or preferred right to buy all shares offered for sale by any stockholder.

Transfers

Sec. 7. That so long as the property, real or personal, of said corporation shall be used for purposes of education the same shall be exempt from taxation of any kind.

Exempt from
tax

Sec. 8. Be it further enacted, That when any vacancy occurs in said board of directors by death or otherwise the same may be filled by a majority

Vacancies

of the remaining board, and that a majority of said board shall be competent to transact all business pertaining to said corporation, and their acts shall be as valid and binding as if the whole board were present—and they may hold their meetings by giving legal notice of ten days to all the members, as often as the public interest may demand it.

Votes Sec. 9. Be it further enacted, That there shall be allowed one vote to each share held by the stockholders of said corporation in the transaction of all business and the election of directors and other officers, and on all matters pertaining to said corporation.

Approved February 23d, 1899.

No. 801)

AN ACT

(H. 1418

To establish a separate school district in Henry County, to be known as the Kinsey School District.

School district Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district is hereby established in Henry county, to be called the Kinsey School District; the school to be located in the town of Kinsey, and said district to have the following boundary, to-wit: Commencing at the public well in the town of Kinsey, thence south two miles, thence west two miles, thence north four miles, thence east four miles, thence south four miles and thence west two miles to point of beginning, making a complete square.

Trustees Sec. 2. Be it further enacted, That upon the approval of this act the county superintendent of Henry county shall appoint three trustees for said school district, who shall have the powers and discharge the duties of school trustees within said district. That one of said trustees shall hold till March 1st, 1900, one till March 1st, 1901, and one till March 1st, 1902; that on March 1st, 1900, and the first day of March each year thereafter, said county superintendent shall appoint one trustee

for said district, who shall hold office for three years.

Sec. 3. Be it further enacted, That said school district shall receive its proportionate share of the public school funds of the State and of said county, and the poll tax collected in the district, and the same shall be disbursed as now or as may hereafter be provided by law. School funds

Approved February 23d, 1899.

No. 802

AN ACT

(H. 1430)

To create a lien in favor of public ginnerers in Tallapoosa County, and to regulate the enforcement of same.

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act, public ginnerers in Tallapoosa county shall have a lien on the cotton and the cotton seed ginned by them for the amount due for ginning same. Lien

Sec. 2. Be it further enacted, That such ginnerers shall have the same remedies for the enforcement of such lien as is now provided by law for the enforcement of liens in favor of public ginnerers in this State. Remedies

Approved February 23d, 1899.

No. 803)

AN ACT

(H. 977)

To create a board for the performance of the duties required of the board of revenue of Montgomery county, under Article 7 of Chapter 110 of the Code of Alabama, in reference to assessments on property located within the corporate limits of the City of Montgomery.

Section 1. Be it enacted by the General Assembly of Alabama, That the duties under Article 7 of Chapter 110 of the Code of Alabama in reference Election by city council

to assessments on property located within the corporate limits of the City of Montgomery, shall devolve upon and become the duty of a board to be composed of the members of the board of revenue of Montgomery county and three members to be elected by the city council of Montgomery. The members first elected by said council shall hold their office until the next regular election of officers for said city, and until their successors are elected and qualified, and thereafter such election shall be held every two years, and the persons so elected shall hold office for two years and until their successors are elected and qualified. Should any vacancy occur in the members of said board elected by the council the said council shall, as soon as practicable after the vacancy is created, proceed to fill the same by election as in the first instance. But the failure of the council to elect all or any of the members of said board shall not prevent the members thereof, who are also members of the board of revenue, from proceeding with the performance of the duty required of them under the law.

President and
clerk

Sec. 2. Be it further enacted, That the president and clerk of said board of revenue of Montgomery county shall be ex-officio president and clerk, respectively, of the board created under this act, and at the meetings of the said board the clerk shall lay before it the book or docket kept by said board of revenue containing the tax assessment for said county and the objections thereto by tax-payers, and the same proceedings shall be had by said board and the same powers exercised as the assessments of property within said city as are had and exercised by said board of revenue in respect of other assessments of other property in the said County of Montgomery.

County tax
assessor

Sec. 3. Be it further enacted, That the tax assessor of said county shall attend the meetings of the said board created under this act while the board is engaged in the performance of its duties under said Article 7, Chapter 110 of the Code of Alabama. Said board may hold such adjourned or special meetings as it may deem necessary.

Special meetings are to be called by the president, or any two members of said board.

Sec. 4. Be it further enacted, That the said city council of Montgomery may provide for such compensation to be paid to the members of said board elected by it as it may deem proper, and pay the same out of the revenues of the said city.

Compensation
by city

Sec. 5. Be it further enacted, That nothing in this act contained shall be so construed as to repeal or alter any law pertaining to the board of revenue of Montgomery county, Alabama, except in so far as the same is inconsistent with this act.

Effect of this
act

Approved February 23d, 1899.

No. 804)

AN ACT

(H. 1213

To establish a charter for the City of East Aboga, in Talladega County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of East Aboga, in the County of Talladega and State of Alabama, be and they are hereby created a body politic and corporate under the name of the Mayor and Aldermen of East Aboga, and by that name may purchase, receive, let or hold, sell, grant, alien or convey property, real and personal; sue and be sued, plead and be impleaded, and do and perform any other act incident to municipal corporations, the power to do which may be expressly or impliedly conferred upon it by any provisions of this act. Said town shall have a comon seal, which may be changed at pleasure, and shall have authority to do all acts and pass such ordinances as may be necessary to put into operation the powers granted by this act.

Name

Rights

Sec. 2. Be it further enacted, That the corporate limits of the town of East Aboga shall embrace an area as follows: All that part of the S. $\frac{1}{2}$ of Section 34 lying in Talladega county, Alabama; all of S. $\frac{1}{2}$ of Section 33 and the S. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Section 32 in T. 16, R. 6; also Sections

Corporate
limits

Wards

3, 4, 5, 7, 8, 9, 10 and all of Section 6, except the N. E. $\frac{1}{4}$ in T. 17, R. 6 E. in Talladega county, Alabama. Said town may be divided by said board of mayor and aldermen into wards, in which event the aldermen hereafter provided to be elected shall be apportioned among the different wards; but this apportionment of aldermen shall not take effect prior to the first Monday in January, 1900.

Elections

Sec. 3. Be it further enacted, That there shall be elected biennially, by the qualified voters of said town, the following officers, namely: a mayor and six aldermen, in the manner herein provided. All qualified electors of the State who reside within the corporate limits of said town thirty days preceding the election are hereby made qualified electors of said town of East Aboga. The candidate for mayor and the six candidates for aldermen receiving the highest number of votes shall be declared elected. The first election of mayor and aldermen of said town shall be on the first Monday in January, 1900, and each succeeding election shall be held on the first Monday in January biennially thereafter. The term of office of the mayor and board of aldermen shall be two years from the date of their election, and until their successors are elected and qualified. All elections shall be held by a board of three managers and two clerks, who shall be appointed by the mayor and aldermen of said town of East Aboga: Provided, however, That in the event there are opposing candidates or tickets at any such election, the managers and clerks shall be so apportioned as that each party or faction having candidates shall have at least one manager and one clerk of their own nomination to serve at said election. Notice of all elections shall be given by order of the mayor of said town by posting three or more notices in places within the corporate limits, and also publication in some newspaper, provided any such newspaper is published in said town. The election of mayor and aldermen shall be controlled by the laws governing the State elections as far as may be practicable. The managers of the election shall certify the result to

the mayor and aldermen of said town. In the event there is a tie between the candidates receiving the highest number of votes for the office of mayor, the board of aldermen shall elect one of such persons mayor; but in the event it should be impossible for either of them to receive a majority of the aldermen voting on that subject, then said board may elect some other person mayor. In the event of a tie among the candidates receiving the highest number of votes for aldermen, an election shall be made in the same manner as is provided for the election of a mayor in case of a tie, except that the mayor in that event shall be entitled to a vote. The mayor and aldermen so elected, together with all other officers who may be elected by said mayor and aldermen, under the provisions of this charter hereinafter set forth, shall, before entering upon the discharge of their duties, take and subscribe an oath, in substance as follows: "I, _____, (here set out style of office) do solemnly swear that I will to the best of my skill and ability, discharge all the duties incumbent on me as said officer of the town of East Aboga, without favor or affection, so help me God." Said oath shall be administered by any person authorized to administer an oath under the laws of this State, and except in the case of the mayor may be administered by the mayor, and the certificate filed with the records of the town.

Sec. 4. Be it further enacted, That the ballots Ballots cast at any election held under this act, after being counted, shall be carefully sealed up by the mayor and aldermen, and after that deposited with the clerk of said town, who shall carefully preserve them for thirty days after the result of the election is declared, and then if there is no contest said clerk shall cause the same to be burned up, in the presence of himself and the mayor; but in the event of a contest they shall be delivered to the Court or judge trying the same. Until such election shall be held on the first Monday in January, 1900, and until the qualification of the persons chosen at said election, W. R. Bell shall act as and be the mayor of said town of East

Aboga, and T. W. Ogletree, J. C. Brock, B. W. Nunis and J. M. Haynes shall be the aldermen.

Contests

Sec. 5. Be it further enacted, That any election held under the provisions of this act may be contested in the same manner as is provided by law, or may be hereafter be provided by the laws of the State, for contesting the election of probate judge, and all the provisions of such laws in relation to the contesting of elections of probate judge shall, as far as same are or may be applicable, apply to the contest of elections under this act.

Vacancies

Sec. 6. Be it further enacted, That if the mayor or any alderman, during his term of office, shall die or remove from the corporation, resign or refuse to qualify, or be permanently disabled from acting, the remaining aldermen shall elect by ballot in his stead another mayor or alderman, who shall have proper qualifications, and who shall continue in office the remainder of the term, and until his successor is elected and qualified.

Quorum

Sec. 7. Be it further enacted, That a majority of the mayor and aldermen shall constitute a quorum for the transaction of business. The mayor and aldermen shall fix their own sessions and special meetings may be called by the mayor or by two of the aldermen at any time. In the event of special meetings, notices, if possible, must be given to all members of the board. In case of sickness or temporary absence of the mayor, the aldermen may appoint any one of their own number to act as mayor during such sickness, or absence, and such mayor pro tempore shall exercise all the powers and perform all the duties of the mayor; but the mayor shall not vacate his office by any temporary absence from said town or State.

Duties and
power of
mayor

Sec. 8. Be it further enacted, That it shall be the duty of the mayor to attend and preside and keep order at the meetings of the board; to hear and determine all cases of violation of the by-laws and ordinances or charter of said town, and he is hereby invested with power and authority to take jurisdiction of every violation of the laws and ordinances of said town, and to try and convict and punish the same according to the laws and ordi-

nances thereof; and he shall have authority while holding his Court to punish any contempt of his Court by fine or imprisonment, or both, but the imprisonment must not exceed ten days or the fine exceed twenty-five dollars; and the mayor may compel the attendance of witnesses in Court by fining them ten dollars, to be enforced as other fines are enforced, if they fail to appear and testify before him, after being duly served with subpoena. The mayor shall perform such other duties as councilmen may prescribe; but before entering upon the duties of his office, shall give bond in the sum of one hundred dollars, payable to the town of East Aboga, conditioned for the faithful performance of his duties as mayor. Appeal from any decision of mayor of said town may be taken and had in the same manner as is now or may be provided for taking an appeal from a Justice of the Peace Court. The mayor shall receive such salary or fees as the aldermen may prescribe.

Sec. 9. Be it further enacted, That the town of East Aboga shall be a separate school district within the limits and boundaries herein above prescribed. School district

Sec. 10. Be it further enacted, That the police force shall consist of a marshal and such subordinate officers and policemen as the mayor and aldermen may by ordinance from time to time prescribe. All members of the police force shall be removable by the mayor and council for good cause at any time. The marshal and all subordinate officers shall be elected by the mayor and aldermen; such officers shall serve for the same term as the board of aldermen which elected them, unless removed by said board of mayor and aldermen for cause. Police

Sec. 11. Be it further enacted, That the mayor may appoint a city clerk, who shall perform all duties which may be prescribed by said board of mayor and aldermen, and particularly shall assess the taxes in said town of East Aboga. They shall also appoint a city treasurer, and prescribe his duties, and may require both said clerk and said city treasurer, or either of them, to give bond in such City officers

1898-9

Powers

1898-9

Taxes

Work on
streets

so working the streets of said town of East Aboga shall be exempt from working the public roads of Talladega county outside of said town limits.

Tax list

Sec. 15. Be it further enacted, That the board of mayor and aldermen shall have a copy of the tax list of all property, real and personal, in the corporate limits of said town, as listed and assessed as appears on said tax assessor's books for Talladega county, Alabama, for the previous year, with the valuations fixed thereon for the previous year to be made and entered each year in a book kept for that purpose. As soon as said book is completed it shall be filed in the city clerk's office, where it shall remain for twenty days, open for inspection, during which time, or immediately thereafter said board shall have a meeting and hear all complaints and make correction of all errors in assessment of property in said city.

Rate

Sec. 16. Be it further enacted, That as soon as possible, after the lapse of twenty days after said books shall have been corrected, said board shall levy for the current year such rate of taxation as they may deem just and proper, not to exceed one-half of one per centum on all the property, real and personal, subject to taxation, so listed and valued in the book heretofore mentioned, corrected as aforesaid.

Lien

Sec. 17. Be it further enacted, That the taxes so levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for said taxes so levied and for all other taxes authorized by this act the City of East Aboga shall have a preferred lien over all incumbrances and securities whatsoever, except State and county taxes, against the property of any person which, under this act may become liable to taxation for the current year, shall be a lien upon the real and personal estate of such person in the City of East Aboga from the first day of January of that year, or if brought in after that time the lien shall attach from the time it was brought into said town.

Sec. 18. Be it further enacted, That after the taxes shall be so fixed and levied, the mayor of

said city shall certify the same at the end of the tax book, and append thereto his warrant, directed to the marshal of said town of East Aboga, authorizing and commanding such officer to collect the taxes so levied, commencing on the 15th day of September and continuing until the 15th day of October of each year; after which time all persons not having paid their taxes shall be regarded as delinquents. The said marshal shall notify the public by posting notices three weeks in advance in three public places in said city immediately preceding the 15th day of September in each year, stating that he is ready to receive payment of taxes. Taxes not appearing in this book, but authorized by this act, shall be collected on the warrant of the mayor, directed to the tax collector, commanding him to collect said taxes. Warrant

Sec. 19. Be it further enacted, That after the 15th day of October each year the city marshal shall make personal demand on delinquents, wherever they may be found, for their taxes; and where unable to find them in said city, shall leave a notice at the place of residence of such tax payers, requiring them to come forward and pay such taxes and costs immediately; and for making such personal demand or giving such notice he shall be entitled to fifty cents, but no demand or notice shall be necessary to tax payers who are non-residents of the city, except such as required by the general laws of the State. Demand

Sec. 20. Be it further enacted, That the marshal of the town, or such other officer as may be designated by the city council to collect taxes, shall be charged with and accountable for the whole amount of taxes assessed for the year, and can only be discharged from such accountability by showing that the taxes unpaid could not be collected by the means given him for their collection. Marshal

Sec. 21. Be it further enacted, That all taxes laid under this act which are not paid by the 1st day of November of each year shall after that time be collected by the marshal by levying upon and seizing any personal property, if there be any, or if there be none or not sufficient personal property, then he may sell the real estate of such de- Sales

linquent tax payer, as is now provided by law for collecting State and county taxes.

Notice

Sec. 22. Be it further enacted, That when real estate is levied on for taxes, notice of sale shall be given by publication in a newspaper published in the county in which the said real estate is located, a notice shall be published in a newspaper published in that county once a week for two weeks, and the sale shall take place in front of the school house in the town of East Aboga. That the marshal shall bid off for the town of East Aboga on all lots and lands on which he can not get a bid from other persons for the taxes and expenses of sale, and said marshal shall issue a certificate of purchase to the purchaser; such real estate shall be subject to redemption as provided for the sale of lands for payment of State and county taxes. After the expiration of two years, the mayor of said town shall make and execute to holder of certificates, deeds to each lot or parcel of land sold and unredeemed, and deliver the same to the purchaser or his assigns, upon the return of the certificate and the payment of all subsequent taxes on the property, and one dollar for the deed.

Poll tax

Sec. 23. Be it further enacted, That the mayor and the council of the town of East Aboga shall have exclusive power and authority to levy, assess and collect all poll tax from the inhabitants of said town liable to pay such tax, to be used and applied exclusively to the public schools of said town; said tax to be assessed and collected as other taxes are assessed and collected, provided, that the poll tax collected from white men shall be applied to the school fund for white children, and the poll tax collected from colored men to be applied to the public schools for colored children.

School district

Sec. 24. Be it further enacted, That the mayor and council of the town of East Aboga be, and they are hereby created a board of trustees of the separate school district created by this act, and such board of trustees are alone authorized and empowered to employ or contract with superintendent and teachers of any public schools in said school district established by and created by this act, and that no teacher shall be employed to teach

a public school in said city, unless such teacher so employed shall have been duly examined as to his or her efficiency by the city superintendent of public schools. That said board shall appoint a secretary who shall be a member of said board and a treasurer, and the treasurer of said board shall give bond in such sum as the board may direct, for the faithful discharge of his duties. That the town of East Aboga as soon as such school district shall receive its proportionate share of the public fund from all sources including the pro rata share of the sixteenth section fund of each township that lies partly within said school district, all such funds to be drawn from the proper authorities and disbursed by said board of trustees through its secretary and treasurer in the same manner as county superintendents of education draw and disburse funds for their respective counties, provided, that said board of trustees may at any time, after the same has been paid in, draw from the State of Alabama all school funds due said school district, for the then scholastic year, and the amount thus drawn by the said board of trustees shall be used exclusively for the maintenance of the free public schools in the town for white or colored as may have been appropriated by law.

Approved February 23d, 1899.

No. 805)

AN ACT

(H. 1299

To define the jurisdiction of justices of the peace and notaries public who are ex officio justices of the peace of Precincts Nos. five and ten in Morgan county, and to provide for service of all process from their courts.

Section 1. Be it enacted by the General Assembly of Alabama, That justices of the peace and notaries public who are ex officio justices of the peace of Precincts five and ten in Morgan county, shall have and exercise jurisdiction in all civil cases, except in cases of libel, slander, assault and battery

and ejectment, in said county, to an amount not exceeding one hundred dollars.

Constables

Sec. 2. Be it further enacted, That the constables of said precincts respectively must execute all process from the courts of such justices and notaries which shall be placed in their hands and shall receive the fees now provided for them by law, except when the process is served outside of their precincts, in which cases they shall receive the same fees as the sheriff for similar services.

Sheriff

Sec. 3. Be it further enacted, That nothing in this act shall be construed to prohibit sheriffs or deputy sheriffs from executing process from the courts of such justices and notaries.

Repeal

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 23d, 1899

No. 807)

AN ACT

(H. 292

To incorporate the Eagle Hook and Ladder Company, No. 1, of the City of Demopolis, Marengo county, Alabama.

Preamble

Whereas, There was incorporated by the Legislature of the State of Alabama, a fire company, by act approved December 16th, 1870, by the name of the Eagle Hook and Ladder Company of the City of Demopolis, Alabama; and, whereas, said corporation desires its charter renewed, as it was under said act; therefore,

Incorporators

Section 1. Be it enacted by the General Assembly of Alabama, That, E. W. Weiss, Gesner Williams, J. G. Chisholm, John Wellingham, B. W. Nored and Albert Saunders, and their associates and successors, be and hereby are declared and constituted a body corporate by the name and style of "The Eagle Hook and Ladder Company No. One, of the City of Demopolis, Alabama", and that by that name and style may sue and be sued, plead and be impleaded, answer and be answered in any

Name

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Duties ex-
empt from

By-laws

Privileges

Incorporators

Name

1898-9

Rights

Assessments

Section 6
amended

1898-9

Section 10
amended

Section 10
amended

sell the same, or any part thereof, when, in the discretion of the council it would be to the interest of the town; but not to affect injuriously any property already improved bordering on said street, sidewalk or alley, and to build and make bridges and drains, and to adopt measures necessary to preserve and regulate the same; to license and regulate carts, wagons, drays, hacks and carriages, running for hire within the limits of said corporation; to license and tax all merchants or dealers of any kind; to license and tax auctioneers and regulate the sales at auctions, except the sales under an order of court or by executors or administrators; to license or tax any business, calling or profession not herein mentioned; to license vendors of spirituous, vinous or malt liquors, retail and wholesale dealers in the same, within the limits of the corporation; to pass and enforce all ordinances deemed necessary or proper to prevent the introduction of infectious or contagious diseases within said town, and to preserve the health of the inhabitants of the same; to prevent and punish any disturbance of the public or private worship of God, or any assemblage of the inhabitants of said town met for any lawful purposes; and to prevent and punish any indecent exposure of the person, profane or obscene language or exhibitions, drunkenness on the streets, boisterous or disorderly conduct, and any thing else pernicious to the morals and good order of society; to prevent stock or animals of any kind from running at large in the streets and alleys of said town; to prevent and punish wilful or malicious mischief to houses, fences, ornamental, fruit or shade trees, signs or sign posts, tombs, monuments or other property within the corporate limits of said town, of whatever description; to take and have control and management of the public grave yard of said town; to erect and keep a guard house for the confinement and imprisonment of prisoners and offenders against the laws, by-laws and ordinances of said town; to enact such laws and ordinances as may be necessary to regulate the hiring of the convicts of the town, or those who

shall have been sentenced to hard labor for the town, and such persons may be hired to work either inside of the town or outside of said town, but shall not be hired to any one residing beyond the limits of the State, nor shall they be worked outside the limits of the State; to punish by fine not exceeding ten dollars, and imprisonment, not exceeding twelve hours, one or both, all contempts of the intendant and council, or either or any one of them, while engaged in the performance of their official duties; and by fine not exceeding fifty dollars, and imprisonment, or hard labor on the streets or other public works of the town, or hard labor for the town, for not exceeding sixty days, any breach or violations of the laws, by-laws or ordinances of the town; and any person convicted and fined for the violation of said by-laws and ordinances of said town or any one of them, who shall fail or refuse presently to pay or secure the payment of the fine and costs, the intendant of said town is hereby authorized to sentence such person to hard labor on the streets or public works of said town, or to sentence such person to hard labor for the town, for the payment of such fine and costs, for a term of not exceeding sixty days. And persons sentenced to hard labor for the town may be hired out by the said intendant and councilmen of the town of La-Fayette according to their laws and ordinances regulating the same, and all fines provided for in this act may be collected by execution, issued by the clerk and countersigned by the intendant or any councilman acting as intendant, or their non-payment punished by imprisonment or hard labor as aforesaid, at the rate of one day for each fifty cents of the fine and costs assessed against the party; to punish and prevent vagrancy; provided that in all cases where judgments are rendered against persons under this act, and the laws, by-laws and ordinances made in pursuance thereof, by the intendant and councilmen of said town, the party against whom such judgment is rendered may have an appeal as hereinafter provided.

Section 10
amended

Sec. 3. Be it further enacted, That section thirteen of said act be amended so as to read as fol-

Section 13
amended

lows: Section 13. Be it further enacted, That all the property in said town, subject to taxation shall be assessed by the clerk of said town in the following manner: said clerk shall have from the first day of October until the first day of February thereafter to assess the taxes of the town, and between the first and fifth days of October in each year he shall publish or cause to be published, written or printed notices to the citizens of said town, and post in conspicuous places in sufficient numbers to give warning to every one, that his books will be open after the publication of said notices for the assessment of taxable property; and it shall be the duty of each and every citizen holding such property subject to taxation within said town, to visit the office of said clerk and give, or render to him under oath, a list of said property, and at such valuation as the party so giving in may fix; and if any one shall fail or neglect to give in or render his or their property before the first day of February after the publication of said notices, or after the said first day of October, then it shall be the duty of the intendant of said town to appoint two disinterested freeholders of said town, who, together with the clerk, shall proceed to assess the taxes thereon within ten days after their appointment, from the best information they can get as to the value of said property; and should the freeholders so appointed fail to act, then said intendant shall appoint two members of the council, who shall proceed, with the clerk, to assess said property, as hereinbefore prescribed.

Section 14
amended

Sec. 4. Be it further enacted, That Section 14 of said act be amended so as to read as follows: "Sec. 14. Be it further enacted, That it shall be the duty of the clerk to make a digest of all the property assessed in the town of LaFayette, with the value thereof, and return the same to the intendant and council at their first regular meeting in March; and the said intendant and council shall, at their first regular meeting in June, inspect the same, and, if found correct, proceed to assess such rate per cent., not exceeding one-half of one per

cent., as will raise sufficient revenue for the wants and expenses of the corporation for the fiscal year.

Sec. 5. Be it further enacted, That Section 15 of said act be amended so as to read as follows: Section 15
amended
"Sec. 15. Be it further enacted, That it shall be the duty of the intendant and council to turn over to the constable of said town the digest of the taxes immediately before the first day of October, and said constable shall proceed immediately after the first day of October to the collection of the taxes, giving to each party who pays a receipt for the same; and it shall be the duty of the constable to call on every tax payer, in person, at least one time for the payment of his taxes before the first day of January, and if, after that time there shall be any delinquents, it shall be the duty of the clerk to issue executions against them immediately and to place the same in the hands of the constable; when such executions shall have been placed in the hands of the constable he shall notify all delinquents of the fact, and if, after the expiration of five days from said notice, the tax shall remain unpaid, he shall proceed to levy such executions upon such property, real or personal, as he may find in the corporate limits of said town belonging to the defendants in execution. After the levy of said executions the property levied on shall be advertised for sale by the constable for at least ten consecutive days, either by publication in any newspaper in said town, or by posting at least six written or printed notices in conspicuous places in said town; after the property so levied on shall have been advertised as herein provided, the constable shall, between the hours of eleven o'clock A. M. and three o'clock P. M., expose the same for sale at public outcry, for the taxes and costs that may have accrued thereon, and whoever shall bid off the property, or any part thereof, for the amount of taxes and costs, shall be declared the purchaser of the same, and shall receive from the constable a certificate of said purchase, setting forth a description of the property sold, the amount of taxes and costs paid, and the time and place of sale; and upon the payment of said taxes and

Section 15
amended

costs, the constable shall turn said certificate of purchase over to the purchaser, to be held by him as evidence of his purchase; and if said purchaser shall hold said certificate of purchase for twelve months without a redemption of the property as hereinafter prescribed, then the said constable shall execute absolute titles in and to said property to the purchaser so holding such certificate of purchase, which said titles shall be signed by the constable and countersigned by the intendant, and shall vest in the purchaser all the interest which the defendant in execution had in and to said property, absolutely; and if there shall be no bidders at the sale of such property, it shall be the duty of the constable to bid the same off for the intendant and councilmen of the town of LaFayette, for the amount of taxes and costs due thereon, and to execute certificate of purchase as hereinbefore prescribed; and if said intendant and councilmen of the town of LaFayette shall hold said certificate of purchase for twelve months without a redemption of the property by the owner, then it shall be the duty of the constable to execute titles to the intendant and councilmen of the town of LaFayette in the same manner as hereinbefore provided; and said titles shall vest in the intendant and councilmen absolutely all the interest of the defendant in execution.

Section 17
amended

Sec. 6. Be it further enacted, That Section 17 of said act be amended so as to read as follows: "Sec. 17. Be it further enacted, That it shall be the duty of the intendant and councilmen, whenever it is made to appear that any person has given in any taxable property at too low or too high a valuation, to equalize and arrange the assessment in accordance with the real value of said property; but in no case shall the assessment be changed without first summoning in writing the party interested to appear and show cause why it should not be changed; but should parties, after being summoned, fail to appear, or fail to show a good cause for not changing the assessment, then the intendant and councilmen shall proceed to equalize the value of said property from the best in-

formation they can obtain. And for the purpose of equalizing and arranging the assessments in accordance with the real value of the property and for the purpose of hearing objections to the assessments, the intendant and councilmen shall sit as a Court at their first meeting in July, and shall, if the proper notice has been given, determine the same in each particular case, on the evidence which may be offered. Whenever objection is made the Court must cause the case to be stated on a docket in the name of the intendant and councilmen of the town of LaFayette, as plaintiff, and the tax payer as defendant, with a note of the objection set opposite the statement of the case. The clerk shall attend all trials of objections to assessments, and shall subpoena witnesses and introduce all documentary evidence which may be necessary to a full understanding of the question. If the tax payer appears in person or by attorney, or has had written notice that said intendant and councilmen, sitting as a court, shall raise or reduce the valuation of any property or subject of taxation and fix it at the sum that the evidence shows to be the fair market or real value thereof, and shall add such items of taxation and fix the value thereof, as may have escaped assessment. If necessary, the said intendant and councilmen may postpone the hearing to a future day, and may cause notice to the defendant to be served on him by the clerk, if he is a resident of the town, or on his agent or attorney if he does not reside in the town, or if he does not reside in the town and has no agent or attorney in the town, then the clerk must give him notice by registered mail. In hearing such objections the said intendant and council, sitting as a court, shall receive only evidence touching the fair market or real value of the property, and shall take into consideration its character, whether improved or not and its surroundings, and must render its decision at once, and the decision must be entered on the docket and signed by the intendant. From the said judgment either party may appeal to the Circuit Court of the county at the next term

Section 17
amended

Section 17
amended

thereof, and said appeal must be taken in five days. And in the said Circuit Court said case shall be tried de novo, but a bond in double the amount of the tax and probable cost shall be required of the tax payer, conditioned to prosecute such appeal to effect, and pay such judgment as the Court may render. If, on trial of the appeal, it be found that such appeal was taken for delay, judgment must be rendered against the appellant and his sureties for the amount of the tax and costs and ten per cent. thereon. If no appeal is taken, the clerk shall correct the assessment lists according to the judgment of the Court. The lien of the intendant and councilmen of the town of LaFayette on all the property of the tax payer shall not be discharged by any appeal, but the same shall continue until the tax and costs and damages, if any, are paid in full. The intendant and councilmen shall have power to correct any error or omission discovered after their sitting in July. All appeals taken under this section shall be preferred cases, and must stand for trial at the next term after the appeal; and if the tax payer is the appellant and the appeal is continued for the term, the Court must order the tax payer to pay the amount of taxes at which the owner assessed the property the current year, and such order of the Court, entered of record, shall be sufficient authority to the constable to collect that amount of the taxes claimed. But no change shall be made in the values of any preceding year when the taxes have been collected on such property."

Repeal

Sec. 7. Be it further enacted, That all laws and parts of laws in conflict with this act, so far as the same applies to said corporation, be and the same are hereby repealed.

Approved February 23d, 1899.

No. 810)

AN ACT

(H. 418)

To incorporate the Birmingham Railway, Light
and Power Company.

Section 1. Be it enacted by the General Assembly of Alabama, That T. T. Hillman, Wm. A. Walker, Robert Jemison and J. P. Ross, all of this State, and their associates, successors and assigns, be and they are hereby created a body corporate under the name and style of the Birmingham Railway, Light and Power Company, and in and by that name and title shall have perpetual succession as a body corporate, and may sue and be sued, plead and be impleaded, borrow money and execute notes therefor, contract and be contracted with, adopt, use and alter a corporate seal and execute all the rights and franchises hereinafter granted.

Incorporators

Name

Sec. 2. Be it further enacted. That the capital stock of said company shall be divided into shares of one hundred dollars each, amounting to fifty thousand dollars, to be increased by issuance of additional shares to any amount not exceeding five million dollars; provided, the regular fees shall be paid into the State treasury when said capital stock is increased, as the business of the company may require, and at the option of a majority in the value of the stockholders; said stock may be paid either in money, property or labor, to be specified in the subscription.

Capital stock

Sec. 3. Be it further enacted, That the stock of said company shall be divided into shares of one hundred dollars, and in all meetings and conventions of the stockholders each stockholder shall be entitled to cast, in person or by duly appointed proxy, one vote for each share of stock owned by such stockholders. Executors and administrators shall have the power to represent the stock of his or her or their testators or intestates, and guardians and trustees shall have power to represent the stock of their wards and cestui que trusts.

Shares

Sec. 4. Be it further enacted, That the persons named as corporators in the first section of this

Meetings

act, or a majority of them, and such person or persons as shall join and become associated with them in the premises, shall meet at such time and place in the City of Birmingham, or at such other place in the State as they shall designate, and appoint, and at such appointed time and place shall proceed to take and receive subscriptions to the capital stock of said company, payable in such time and manner as may be agreed upon between the majority of said corporators and associates acting with them, and the party or parties who may desire and propose to take stock in said company, which business may be transacted or completed at any subsequent adjourned meeting or meetings as may be deemed necessary, if not completed at the first meeting.

Organization

Sec. 5. Be it further enacted, That when as much as fifty thousand dollars shall have been subscribed, as authorized in the preceding section 2, to the capital stock of said company, then at such time and place, in said State of Alabama, as may be determined by a majority in interest of the subscribers to said stock, there shall be a meeting of said subscribers for the purpose of organizing said company by the election of a board of directors to consist of not less than five members, and said directors shall be chosen from the subscribers to the stock by ballot. The officers of said company shall be a president, and a secretary, and treasurer, and such other officers as the board may deem necessary. The president of said company shall be elected by the board of directors from their own number, and the board of directors shall also select the other officers and fix the compensation or salary of the president and officers. The president so chosen shall continue in office until the election of his successor, and the directors shall continue in office until the election of their successors by subsequent convention of the stockholders; the time and place for holding which shall be designated by the meeting at which such directors are elected, or on its failure to do so, the time and place of such convention shall be fixed by the board of directors of which the stockholders shall

have such notice as the board shall direct. The election of such directors, and by them of the president, as provided above, shall constitute the organization of said company: Provided, That before such organization shall be perfected, there shall be paid to the treasurer of the company not less than one per cent. in cash upon the amount subscribed, in pursuance of the fourth section of this act, to the capital stock of the company.

Sec. 6. Be it further enacted, That after the organization of said company, by and with the consent of the persons holding the larger amount in value of its stock, first obtained at a meeting of the stockholders, of said corporation convened for the purpose of voting upon the proposition, to be held after ten days notice given by publication in some newspaper to be designated by the board of directors, the said corporation shall have the right, from time to time, to increase its capital stock, and to take and receive additional subscriptions to the capital stock from time to time, and in doing so, may, as it may deem proper and advantageous, receive such additional subscriptions, payable in whole or in part in real or personal property, or in stocks, bonds, rights or franchises of other corporations, and may take and receive proper conveyances and transfers of such real estate and personal property in payment of such subscriptions for stock. Increase of
stock

Sec. 7. Be it further enacted, That there shall be annual meetings or conventions of the stockholders of said company at the principal office of the company, at Birmingham, Alabama, or at some other place equally convenient to the stockholders, to be fixed by the board of directors, for the election of the president and directors and for the transaction of such other business relating to the interests of the company as such conventions, when assembled, shall deem necessary or proper; of which convention such notice shall be given to the stockholders as said company, by the by-laws or otherwise, may prescribe, or as may be directed by the board of directors, on omission of the company to prescribe such notice: Provided, That Annual
meetings

omission or failure to hold any such convention within the time prescribed shall not have the effect to cause a dissolution or discontinuance of such company. In any convention of its stockholders, a majority in value of the stock held or owned in said company by stockholders in person or by their duly constituted proxies or agents, shall constitute a quorum competent to transact business binding on the company and its stockholders. The number of directors shall continue, as provided in the fifth section of this act, until otherwise provided by the company, and the company shall have the power to increase or diminish this number from time to time, as shall be deemed proper. The president and directors shall be elected for a term of one year, but may continue in office thereafter until the election and qualification of their successors. Any vacancies in the offices of president or directors may be filled by the board of directors, a majority of whom will constitute a quorum for the transaction of business. Said company, acting by its stockholders in convention, shall have power to enact all such rules and by-laws as may be deemed needful and proper for the management and carrying on of its business, and prescribe rules for the transfer of stock by the respective stockholders.

Business

Sec. 8. Be it further enacted, That the business of this company is hereby declared to be, and shall be, to build, own, operate and maintain railroads, and to operate the same by steam, electricity or otherwise, in any county or city in the State of Alabama: Provided, No railroad is built in any incorporated city or town without the consent of the corporated authorities being first obtained; and this company shall have and possess all rights, powers, privileges, franchises and immunities, by the general laws and the Code of this State conferred on railroad companies; and to engage in the carriage of persons or property as a common carrier, and to charge rates of freight and tolls for the same over the lines of its railroads, and to lease or acquire by purchase any line or lines of road that are now or may hereafter be constructed in

this State, and conduct the same with its other line or lines of railroad, or to operate them separately, as it may see fit. And to purchase, own, charter or lease and occupy all such stations as may be necessary for the proper conduct of its business. Also to generate electricity and steam, buying, using and selling the same to furnish light, heat, steam and power by and with electricity, and by and with all other means of providing the same; to manufacture and generate all other agencies and commodities that may be now or hereafter used for the purpose of furnishing light, heat, steam and power; to furnish light, heat and power by means of any and all such agencies or commodities; to generate, furnish and provide electricity to be used in the motive power in the operation of street or other railroads, or for any other motive power whatsoever, to transmit current by electricity, carry and transmit merchandise and packages by means of electricity; may have storehouses and may buy and sell merchandise; may do welding and forging by electricity; may charge for, collect and receive compensation for all such business by it done; may operate telegraph, telephone or other electric lines in and along its right of way; such telegraph, telephone or other electric wires may be for the company's private use alone, unless said company sees fit to do a public telegraph and telephone business.

Sec. 9. Be it further enacted, That the said Powers company shall have the power to enclose any passenger platform or depot on or used by it alone or jointly with other companies; and it may, with or without such enclosure, make and enforce regulations excluding persons, or all persons, from such platforms, depots, cars or other property or premises owned or occupied by said company, excepting passengers or their escorts, public officers in the discharge of their duty: Provided, That any of the above excepted persons may be also excluded from the platforms, depots, cars or other property if such persons behave in a noisy, boisterous or rude manner, or are drunk.

Sec. 10. Be it further enacted, That said corporation shall have power to unite, consolidate, or

May unite or
consolidate connect the railways owned, operated or controlled by it with any line of railways constructed or which may be constructed in this State, upon such terms as may be agreed upon between it and such railway company; and for this purpose power is hereby granted to it and to any other railway incorporated by this State to make and carry out such contracts, by lease, purchase or otherwise, as will facilitate and consummate such connection or consolidation.

Office

Sec. 11. Be it further enacted, That the said Birmingham Railway, Light and Power Company is authorized and empowered to consolidate and amalgamate itself with any other corporation or corporations by a two-thirds vote of the stockholders of each of such corporations, and form one general company under such name and style as may be agreed upon, and to issue and apportion the stock of such consolidated corporations as may be agreed upon by said two-thirds of the stockholders in each of said corporations, to take up, if deemed proper and best, the individual stock of each company, and to replace it with the stock of the general company, in such manner and amounts as may be agreed upon by said two-thirds of stockholders: Provided, That such amalgamated company shall keep an office in the State of Alabama, and thereupon such general company shall be invested with all the powers and franchises heretofore belonging to each and all of the several corporations so consolidating and amalgamating; and provided the rights and remedies of creditors shall not be effected thereby.

Bonds

Sec. 12. Be it further enacted, That the said corporation, by and with the consent of the persons holding the larger amount in value of the stock thereof, giving in person or by proxy at any meeting of said stockholders duly and legally called by the board of directors of said company for that purpose, shall have the power and authority which is hereby given to it, to make and issue of its bonds for such sums and in such amounts, and payable at such time or times as said stockholders may determine, which said bonds

shall bear such rate of interest, not exceeding 8 per cent. per annum, as the said stockholders may deem best, and to secure the payment of said bonds and the interest thereon, the said corporation is hereby given power to execute a mortgage or deed of trust in its corporate name, and under its corporate seal, upon all the property of the said corporation, including its franchises or such part thereof as the said stockholders may determine best; said bonds and deed of trust to be signed by the president, countersigned by the secretary of said company and sealed with the seal of said corporation; and the said company is hereby authorized to sell, exchange, hypothecate and dispose of its said bonds for its purposes as the directors may think best, or to pay the same for any real or personal property, rights or franchises purchased by said company on such terms as the board of directors may deem best for the company.

Sec. 13. Be it further enacted, That said corporation may issue also preferred stock in such sums and for such amounts, and on such terms and conditions and with rights and privileges as a majority in value of the stockholders of said company in convention assembled shall determine; and thereafter the said company shall not have the power to change or abridge the conditions, rights or privileges thus accorded to the holders of preferred stock, or to do any act that will impair the value or security of such preferred stock without the consent of the holders of the same.

Sec. 14. Be it further enacted, That said corporation shall have the right to lease and purchase, and to hold and own the real, personal or mixed property, or stock or bonds, or franchises of other corporations, and said corporation may pay for the same in money, bonds, notes or property by an issue of its own stock, either common or preferred, on such terms and in such amounts, and upon such conditions as such corporation may deem best; and to retain or dispose of such stock and bonds, in whole or in part, at pleasure, acting by and through the stockholders in conven-

tion assembled, or by its board of directors, they having been duly authorized to act in the premises.

Change of
name

Sec. 15. Be it further enacted, That the Birmingham Railway, Light and Power Company be and the same is hereby authorized to change the name of said company, and such change of name shall be made at a meeting of the stockholders of said company called by the board of directors of said company, and held after thirty days notice, either by advertisement in some newspaper published in the City of Birmingham, or by personal notice by mail to each stockholder of said company, stating the time, place and purpose of such meeting, at which meeting the proposition so to change the name of said company must be adopted by the concurrent vote of stockholders holding among themselves a majority in value of the entire stock of the company.

Certified
under seal

Sec. 16. Be it further enacted, That a certified copy of the action of the said meeting in so changing the name of said company in pursuance of the conditions of this act, certified under the seal of the corporation, attested by the signature of its president and secretary, shall be filed within thirty days after the date of such meeting in the office of the secretary of state of Alabama.

Agencies

Sec. 17. Be it further enacted, That said corporation is authorized to constitute and establish an agency or agencies outside of this State for the transfer of the shares of its capital stock, and to enact all laws necessary to provide for the transfer of such shares by such agency or agencies.

Approved February 23d, 1899.

No. 811)

AN ACT

(H. 1119)

To authorize the board of mayor and councilmen of the City of Cullman, Cullman County, Alabama, to issue and negotiate bonds of said city to an amount not exceeding thirty-five thousand dollars, for the establishing and maintaining of a system of water works, light system, and improvements of the streets and sidewalks in said city, and to regulate the disposition and use of the same.

Section 1. Be it enacted by the General Assembly of Alabama, That the board of mayor and councilmen of the City of Cullman, Cullman county, Alabama, be and they are hereby authorized to issue and negotiate bonds of the city to an amount not exceeding thirty-five thousand dollars, in such denominations as they may determine, to be known as water works, light and street improvement bonds, with interest coupons attached numbered to correspond with said bonds, showing the amount of interest and when payable. Said bonds shall not run longer than twenty-five years, but shall be redeemable, at the option of said City of Cullman, after five years from their date at the rate of one thousand dollars per year; said bonds to bear interest at a rate not exceeding five per cent. per annum, payable semi-annually. Said bonds may, in the discretion of said board, be made payable, principal and interest, in coin of the United States of the present standard of fineness and weight, and at such place as said board may prescribe. Bonds

Sec. 2. Be it further enacted, That said bonds shall be signed in the name of the City of Cullman, Alabama, by the mayor of said city and countersigned by the clerk of said city, and the seal of said city shall be affixed thereto: Provided, That the signature of said mayor and clerk on said coupons may be lithographed, engraved or printed thereon. Signed by

Sec. 3. Be it further enacted, That said board of mayor and councilmen are hereby authorized

Authority of mayor and councilmen to do any and all things that may be necessary to carry out the powers hereby granted, and that no technical informality, or irregularity, neglect or omission in the proceedings or records of said board of mayor and councilmen shall in anywise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper.

Use of proceeds Sec. 4. Be it further enacted, That said board of mayor and councilmen are authorized to sell or dispose of said bonds to the best advantage, and may apply the proceeds of sale of said bonds to the establishing and maintaining of a system of water works, light system and improvement of streets and sidewalks in said City of Cullman: Provided, Said bonds shall not be sold or disposed of in any manner for less than the face value of the said bonds as evidenced by the denominations of the same.

Special tax Sec. 5. Be it further enacted, That said board of mayor and councilmen be and the same are hereby authorized and it is made its duty to levy, assess and collect upon all the taxable property within said city (within the constitutional limit) sufficient taxes to pay the principal and interest of said bonds, and in order to meet the interest and principal at maturity upon any and all of said bonds issued under authority of this act, shall and it is hereby made their duty to set apart out of the general revenues of the said City of Cullman each year, a sum sufficient to meet the interest and for redemption of said bonds when they become due.

Tax exempt from Sec. 6. Be it further enacted, That the bonds issued under this act are exempt from taxation by said city.

Water works and lights Sec. 6½. Be it further enacted, That not more than the sum of twenty-five thousand dollars shall be appropriated or used by the mayor and board of aldermen of the City of Cullman for the purpose of building or erecting a system of water works and lights, which shall be applied exclusively for the purpose of buying machinery and appliances for water works, electric lights, and all appliances for fire protection, mains, pipes,

hydrants, fire-plugs, etc., or digging or boring of new wells and laying mains and pipes through the city and operating said system; and, provided further, that the mayor and aldermen of said city who shall use the funds derived under this act, or permit the same to be used for any other purpose, shall be guilty of a misappropriation of funds and shall be liable in a civil proceeding to the City of Cullman for the recovery of the same, and to a criminal prosecution for the conversion of said funds.

Sec. 7. Be it further enacted, That the first ten thousand dollars raised under the provisions of this act shall be kept separate by the mayor and aldermen and officers of said corporation who may have the custody of the same, from the other amounts raised by the sale of the bonds provided for herein, and the other revenues of the city, and shall be appropriated exclusively and equally for the improvement of the streets and sidewalks upon the following streets and avenues in said city in the order named, viz: First avenue, east from First street to Fifth street, both inclusive; Second avenue east from First to Fifth street, both inclusive; Third avenue east from Second street to Sixth street, and on First, Second, Third, Fourth and Fifth streets from First avenue east to Third avenue and including First and Third avenues, First avenue west between Second street and Fifth street, both inclusive; Second avenue west between Second and Fourth streets, both inclusive, and that the sum of five thousand dollars shall be appropriated for building sidewalks, and the sum of five thousand dollars for the improvement of the streets and avenues mentioned in this act; provided further, that property owners of property fronting said streets and avenues above described in proportion to the value of the property as assessed by them for the year 1898 shall be required to supplement the appropriation of five thousand dollars for sidewalk purposes, the sum of three thousand dollars, if the said sum should be necessary to build sidewalks upon the streets and avenues herein mentioned, to be determined by the mayor and board of aldermen, and to be

Streets and
sidewalks

assessed by them equally upon the value of the property and collected at such time and in such manner and under the provisions of the charter of the City of Cullman, approved December 12th, 1890.

Other appro-
priations

Sec. 8. Be it further enacted, That the mayor and council, or board of aldermen, of the City of Cullman may make such other appropriation out of the funds or revenues of the city other than those provided for in this act, not otherwise appropriated or needed by the city, for the building of streets and sidewalks and improvement of streets, sidewalks and avenues above described.

Repeal

Sec. 9. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed, and that this act shall take effect upon its passage.

Other streets

Sec. 10. Be it further enacted, That nothing herein contained shall be construed to prevent the mayor and council from requiring property owners outside of the streets and avenues herein named and before referred to in this act from requiring the building of sidewalks or working of streets under the regulations and provisions of the charter of the City of Cullman.

Approved February 23d, 1899.

No. 814)

AN ACT

(H. 742

To amend an act to be entitled "An act to provide for the better support of the public schools of Escambia County, Alabama, and for levying a special tax within constitutional limits to sustain them," approved December 9th, 1896.

Special tax

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners of Escambia county be and they are hereby directed and required to levy and have collected, for the year 1899, and each year thereafter, a special school tax of not less than two mills, which, when added to the assessment for other

county purposes, shall be equal to, but shall not exceed the constitutional limit of one-half of one per centum on the dollar of taxable property as assessed by the State; said special tax shall be used for the support and maintenance of public schools in said county as hereinafter provided.

Sec. 2. Be it further enacted, That it shall be the duty of the tax collector of said county to pay Tax collector over to the county superintendent of education as herein provided all school moneys collected by him, and on hand for public schools on the first day of November, 1899, and on the first day of each month thereafter, until the same shall all have been paid in, showing with each payment what amount is collected from white and what amount from colored tax payers.

Sec. 3. Be it further enacted, That the County of Escambia shall be divided into school districts, School dis- conforming to centers of population instead of tricts township lines, and that there shall be only one school for each race in each district: Provided, That no two schools shall be nearer each other than two and one-half miles, unless the average attendance in each shall exceed thirty-five pupils—said average to be taken from the teachers reports of the previous year; and that schools once located cannot be changed except by a two-thirds vote by the citizens interested in the school or schools to be changed: Provided, That school districts established by law, or that may hereafter be so established, shall exercise the powers specified in their grant.

Sec. 4. Be it further enacted, That it shall be the duty of the county superintendent of education. 1st. To establish in the months of July and August, 1899, assisted by the trustees then in office and the patrons, the district provided for in Section 3 of this act, to select a location for each school or schools in each district, and designate them by number, having due regard to school houses already built, and to the localities that will contribute most liberally to the building of school houses and the support of public schools. 2d. To make a list of the parents and guardians in each

district and a careful enumeration of the children within the school age at the time it is established, and to appoint one trustee for each school district. 3d. To apportion the county school money to the different school districts in the county, as State school money is apportioned, as early as practicable after the amount of the same shall have been ascertained; to keep the apportionment and disbursement of the county school money separate from the State school funds; to make a statement at the end of each quarter to the Court of County Commissioners of the county school money that has been disbursed by him to teachers of public schools, showing with each such statement proper vouchers for all moneys disbursed, and the balance on hand at the time of making such statement. 4th. To exercise a general supervision over all the schools in the county; to visit each school one or more times during its session, as may be deemed necessary; to make a thorough examination of the condition of each, and make such suggestions as he may deem proper. 5th. To appoint, subject to the approval of the Court of County Commissioners, on the adoption of this act, and every two years thereafter, three additional members of the county board of education; said members to be selected from the most suitable citizens in the county; any three members of which board, together with the county superintendent, shall constitute a quorum for the transaction of business.

Board of education

Sec. 5. Be it further enacted, That it shall be the duty of the board of education, as constituted in Section 4 of this act: 1st. To obtain possession of, accept and hold under proper title as a corporation, all property possessed, acquired or held by the county for educational purposes, and to manage and dispose of the same for the best interests of education: Provided, That nothing in this act shall be so construed as to prevent any district from holding school property that it has, or may hereafter acquire for school purposes, or prevent such district from receiving their share of the money set apart for special school purposes. 2d. To employ and make contracts with teachers for

all the schools in the county, and apportion the money to each school upon the principles of justice and equity. This duty cannot be delegated to trustees or patrons, but trustees must report to the board of education for its consideration the names of such teachers as they think best suited to the requirements of the schools and most acceptable to the patrons. 3d. To select and adopt a uniform series of text books for the use of public schools in the county, which books shall be used exclusively in all the schools of the county for a term of years not to exceed five years, to be determined by said board of education. 4th. To make and enforce rules and negotiations for the government of schools, teachers and trustees; provided, such regulations do not conflict with the school laws of the State. 5th. To hold four regular meetings each year, namely: on the second Saturday in January, April, July and October, or at such other times as said board may deem proper; and to convene special meetings in cases of emergency when requested to do so by the county superintendent of education.

1 Sec. 6. Be it further enacted, That the Court of County Commissioners are hereby authorized and required to pay to the county superintendent of education for the extra services required of him under this act, from the general fund, a salary of not less than two hundred and not more than three hundred dollars per annum, in quarterly payments, and that said county superintendent of education shall receive four per cent. commissions for apportioning and disbursing the special county school money herein provided. County superintendent

Sec. 7. Be it further enacted, That the members of the county board of education, as constituted under this act, shall be exempt from road duty and jury duty and the payment of poll tax, and shall receive each an equal share of the fees paid by teachers for license to teach in the public schools of the county: Provided, That the county superintendent shall serve without compensation. Duties board exempt from

Sec. 8. Be it further enacted, That all laws or parts of laws, general or special in conflict with Repeal

the provisions of this act be and the same are hereby repealed.

Approved February 23d, 1899.

No. 815)

AN ACT

(H. 1337

To authorize the County of Elmore to issue and sell bonds of said county to an amount not exceeding forty thousand dollars, for the purpose of building a bridge across Kowaliga creek, and to purchase the iron bridge across the Coosa river at Wetumpka, in said county.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the Commissioners Court of Elmore county, or a majority of them, is hereby authorized to issue and sell coupon bonds of said county to an amount not exceeding forty thousand dollars for the purpose of enabling said county to obtain money with which to build or erect a bridge across Kowaliga creek of said county, and to purchase the iron bridge across the Coosa river at Wetumpka, at the sum not exceeding thirty-seven thousand, five hundred dollars.

Interest

Sec. 2 Be it further enacted, That said bonds shall not bear a greater rate of interest than five per cent. per annum and the interest thereon shall be payable semi-annually at the American Exchange National Bank of New York upon presentation and surrender of the coupons as they severally fall due.

Gold

Sec. 3. Be it further enacted, That said bonds and coupons shall be made payable in gold coin of the United States of the present standard of weight and fineness.

Denominations

Sec. 4. Be it further enacted, That said bonds shall be issued in denominations of one hundred dollars or multiples thereof and numbered consecutively, the interest coupons shall be attached to said bonds and numbered to correspond with the respective bonds.

Sec. 5. Be it further enacted, That said bonds and coupons issued by authority of this act shall

be signed by the probate judge and countersigned by the treasurer of said county and the seal of county affixed thereto. Signed by

Sec. 6. Be it further enacted, That the Probate Judge of said county is hereby required to keep a correct record of all bonds issued and sold under this act. Record

Sec. 7. Be it further enacted, That said bonds shall not be sold at less than par. Par

Sec. 8. Be it further enacted, That said bonds shall be issued to run for thirty years from the date of the issue thereof, provided said County of Elmore shall have the privilege and authority to call in and redeem any of said bonds before their maturity, after twenty years from date of their issue, upon the payment of principal and interest then due upon notice to the holders thereof. Time

Sec. 9. Be it further enacted, That all of said bonds shall be exempt from county and municipal taxation. Tax exempt from

Sec. 10. Be it further enacted, That the said Commissioners Court, or a majority of them, are hereby authorized to sell either by themselves or through an authorized agent appointed by themselves, said bonds, and to do any and all things necessary in issuing and selling said bonds, and to appoint agents for the purpose of carrying out the provisions of this act, and to contract with such agents for their compensation in disposing of said bonds, no technicality, informality, neglect or omission in the proceedings had in this or any other behalf growing out of the issuance and sale of said bonds shall in anywise vitiate or annul said bonds or coupons issued by the authority of this act or effect the rights of the purchaser or holder of said bonds or coupons, but said bonds and coupons shall have all of the properties and protection of commercial paper. All contracts made under the provisions of this section shall be in writing and signed by a majority of the authorities herein named. Authority of commissioners court

Section 11. Be it further enacted, That the money arising from the sale of said bonds issued by the authority of this act shall be paid by the County treasurer

commissioners court directly into the hands of the treasurer of said county and they shall take his receipt for the same, which shall state the nature, character, amount and date of the deposit.

Sec. 12. Be it further enacted, That the treasurer of said county shall keep a separate account of this fund and it shall be designated as the "Bridge Fund," and shall be paid out by him only upon warrants drawn by the probate judge of said county, on authority of the Court of County Commissioners thereof, and said warrants shall designate that they are to be paid out of said fund.

Sec. 13. Be it further enacted, That the county treasurer shall be responsible for the safe keeping and paying out of said fund as he is for any other fund of the said county, and as to said fund he shall be liable in same manner as he is for any other fund or for neglect of any official duty, and he shall receive for his compensation for receiving and disbursing said funds, only such amount as the Court of County Commissioners may deem just and right.

Expenses

Sec. 14. Be it further enacted, That the Commissioners Court of said county are hereby empowered to contract for and bind the county to pay any just and reasonable expenses incurred in carrying out the provisions and purposes of this act.

Special tax

Sec. 15. Be it further enacted, That the Commissioners Court of said county shall have power and it is made their duty to levy from year to year and in conjunction with the tax otherwise levied for county purposes for such year within the constitutional provisions for taxation a sufficient additional tax to pay at maturity all interest on said bonds, and said additional tax shall be collected in the same manner and by the same officers as are the taxes for county purposes and after collection shall be kept separate and apart from all other moneys in the treasury, and shall not be used for any other purpose than for the payment of the principal and coupons on the bonds issued under the authority of this act.

Sec. 16. Be it further enacted, That the county of Elmore, in the event of its purchase of the bridge at Wetumpka across the Coosa river, is hereby required to maintain the said bridge as a toll bridge for a period not exceeding four years from the passage of this act, and the tolls resulting from said bridge shall be paid to the treasurer of said county and his receipt taken as hereinbefore provided, as a deposit to the credit of the "Bridge Fund" and shall not be used for any purpose except the payment of the interest on the bonds hereinbefore provided to be issued by warrants drawn on said fund by the probate judge of said county on authority of the Court of County Commissioners.

Sec. 17. Be it further enacted, That of the proceeds of the sale of said bonds, the sum of two thousand five hundred dollars shall be appropriated by the said court of county commissioners to construct an iron or steel bridge across Kowaliga creek at Benson's Mills in said county. Kowaliga
bridge

Sec. 18. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed. Repeal

Approved February 23d, 1899.

No. 816)

AN ACT

(H. 1338

To empower the Wetumpka Bridge Company to sell to Elmore county and to empower the County of Elmore to purchase the bridge of said Wetumpka Bridge Company across the Coosa river, at Wetumpka, together with its rights of way and appurtenances, to be held and used as a toll bridge for the period of four years from the passage of this act, and then to be used as a free public bridge.

Section 1. Be it enacted by the General Assembly of Alabama, That the Wetumpka Bridge Company is hereby empowered to sell to Elmore county and Elmore county is hereby authorized as herein- Authority

after provided to purchase the bridge of said Wetumpka Bridge Company, spanning the Coosa river at Wetumpka, together with its rights of way, property and appurtenances of every kind thereunto belonging.

Stockholders Sec. 2. Be it further enacted, That if a majority of the holders in value of the shares of the capital stock of said Wetumpka Bridge Company at a meeting called for the purpose, after ten days notice thereof given each stockholder by the secretary of said bridge company, setting forth the purpose of said meeting and the time of holding the same, shall authorize the sale of said bridge, then said Wetumpka Bridge Company is hereby authorized to sell and convey the same at and for the sum not exceeding thirty seven thousand and five hundred dollars.

Commissioners court Sec. 3. Be it further enacted, That the Commissioners Court for said county, shall inquire into the expediency of the purchase of said bridge, and if said officers, or a majority of them, shall be of the opinion that it is to the interest of said county to purchase said bridge at and for the sum not exceeding thirty-seven thousand five hundred dollars, that they, or a majority of them, shall signify such opinion by a written declaration thereof, filed in the office of the probate judge of said county; and, provided further, that upon the filing of such declaration said bridge shall be purchased by Elmore county, and said bridge shall be paid for as may be agreed upon by and between the officers of said bridge company and said Commissioners Court, or a majority of them.

Authority Sec. 4. Be it further enacted, That the president and secretary of said company are hereby authorized to sign any and all conveyances necessary to transfer said property to the County of Elmore.

Use of bridge Sec. 5. Be it further enacted, That when said bridge shall have been purchased and transferred as hereinabove provided, it shall be and remain the property of Elmore county to be used as a toll bridge, for a period not exceeding four years from the passage of this act, and to be maintained dur-

ing that period at the cost of the county. That the Commissioners Court shall have full control and charge of the said bridge and its management, and is hereby required to pay over or cause to be paid over to the treasurer of said county all earnings accruing from the said bridge, and take his receipt for the same as a deposit to the credit of the "Bridge Fund." And at the end of said four years said bridge shall be, by the Commissioners Court, made and declared a free public bridge and shall be maintained at the cost of the City of Wewatchka as a part of its public highway.

Sec. 6. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal

Approved February 23d, 1899.

No. 818)

AN ACT

(H. 1011

To provide for holding an election to decide whether or not the legal voters of Beat seven, otherwise known as Pleasant Grove Beat, in Limestone county, will repeal an act entitled "An act to prohibit the sale, giving away or otherwise disposing of any alcoholic, vinous or malt liquors, or other intoxicating drinks or beverages within three (3) miles of Wesley's Chapel in Shoalford beat in Limestone county. Also, Beats 5, 6, and 7, known respectively as Gilbertsboro, Wickham and Pleasant Grove, in West Limestone," approved February 17, 1897, in so far only as the same relates to Beat 7 or Pleasant Grove beat.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the probate judge of Limestone county, Alabama, to direct an election to be held as soon as practicable after the passage of this act in Beat 7, otherwise known as Pleasant Grove Beat, Limestone county, at such place or places in such beats as he may designate, under the direction of inspectors appointed Election

by him, some of whom shall favor and some oppose the repeal of this act, to decide whether or not an act entitled "An act to prohibit the sale, giving away or otherwise disposing of any alcoholic, vinous or malt liquors, or other intoxicating drinks or beverages within three (3) miles of Wesley's Chapel, in Shoalford beat in Limestone county; also, Beats 5, 6, and 7, known respectively as Gilbertsboro, Wickham and Pleasant Grove, in West Limestone," approved February 17th, 1897, be repealed in so far only as the said act relates to Beat 7, otherwise known as Pleasant Grove Beat, in West Limestone.

Notice

Sec. 2. Be it further enacted, That it shall be the duty of the probate judge to give notice of the time and place or places as well as the purpose of holding said election in Beat 7 by publication for at least three consecutive weeks in a local paper and by posting notices of the election in at least five public places in said beat for at least three weeks before said election.

Polls and
voters

Sec. 3. Be it further enacted, That all legal voters resident in said beat shall be entitled to vote in said election. The inspectors, before receiving any ballots, shall take an oath to faithfully discharge their duty by conducting the election fairly and by counting accurately all legal ballots cast and by correctly certifying the return to the probate judge as hereinafter provided. The polls shall be opened at 10 A. M. and closed at 4 P. M. The voters must write or cause to be written or printed, or partly written and partly printed upon their respective ballots "For repeal," or "Against repeal," and the inspector must receive and deposit the same in the ballot box.

Certifying
result

Sec. 4. Be it further enacted, That within a reasonable time the inspectors must certify the result of the election to the judge of probate, and they shall not make known the result to any other person until they have done; and if the majority of the votes be in favor of the repeal then the probate judge shall declare the result, and the act above referred to approved February 17, 1897, be and the same is thereby repealed, in so far only

as the same relates to Beat 7, otherwise known as Pleasant Grove Beat; but if the majority be against repeal, he shall likewise declare the result and the act shall remain in force; and in either case the probate judge shall make an entry of record showing the result of said election.

Approved February 23d, 1899.

No. 819)

AN ACT

(H. 1360

To authorize the Court of County Commissioners of DeKalb County to levy a special tax for the purpose of paying the outstanding bonds of said county, issued for the purpose of building a courthouse, and of repairing the jail, and furnishing the courthouse of said county with furniture, and to pay the interest on said bonds.

Section 1. Be it enacted by the General Assembly Special tax of Alabama, That the Court of County Commissioners of DeKalb county, Alabama, be and they are hereby authorized and empowered to levy on the taxable property of said county such special tax as it may deem necessary, not to exceed the amount of one-fifth of one per cent. in any one year, from year to year—so long as it is necessary to pay the outstanding bonds of said county, issued for the purpose of building the courthouse and repairing the jail, and for furnishing the courthouse of said county with furniture, and for paying the interest on said bonds.

Approved February 23d, 1899.

No. 820)

AN ACT

(H. 1379)

To amend Section 3 of an act to regulate and prescribe the manner of electing county commissioners in the counties of Lamar, Fayette, Marion and Franklin, approved February 18, 1891.

Section 3
amended

Section 1. Be it enacted by the General Assembly of Alabama, That Section 3 of an act approved February 18, 1891, to regulate and prescribe the manner of electing county commissioners in the counties of Lamar, Fayette, Marion and Franklin, be and the same is hereby amended so as to read as follows: "Sec. 3. Be it further enacted, That in the County of Lamar each voter is entitled to vote only for commissioner in the district in which such voter resides, and that in the counties of Franklin and Marion every voter in each of said counties shall be entitled to vote for one commissioner for all the commissioners districts thereof in which there is to be a commissioner elected, and no two commissioners so elected shall reside in the same district.

Approved February 23d, 1899.

No. 822)

AN ACT

(H. 1255)

To incorporate a separate school district in Elmore county, to be known as the Tallassee School District.

School district

Section 1. Be it enacted by the General Assembly of Alabama, That that portion of Sections 7, 18, 19, 30, 31 of Township 18, Range 22, and Sections 11, 12, 13, 14, 23, 24, 25, 26 of Township 18, Range 21, of Elmore county, shall be constituted a separate school district apart from the remaining school district of townships of the County of Elmore.

Sec. 2. Be it further enacted That A. J. Milstead, T. B. Wallace and W. F. McClusky are here-

by constituted and appointed a board of education of said Tallassee School District, to serve for one year, who shall have power to purchase, rent, hold and convey any such real and personal property as may be proper for the purpose of said district, and who shall control the disposition of all funds which are received for or by said school district. They shall establish such schools in said district as they deem for the best interest of the children, having separate schools for whites and blacks.

Board of edu-
cation

Sec. 3. Be it further enacted, That the board of education shall consist of three persons, who shall be appointed by the superintendent of education of Alabama, on the first day of October, 1900, or as soon as practicable, and every two years thereafter, who shall hold office two years, or until their successors are qualified. If a vacancy occurs in the board, the remaining members shall have power to fill said vacancy for the unexpired term.

Appointment
and term

Sec. 4. Be it further enacted, That said board of education shall have power to charge in the several grades of the public schools in said school district such fees and tuition as may be deemed necessary for the proper conduct of said school.

Fees

Sec. 5. Be it further enacted, That each member of said board of education shall, upon his induction into office, subscribe an oath or affirmation, faithfully to discharge all duties imposed on him as a member of said board.

Oath

Sec. 6. Be it further enacted, That for good cause any member of said board may be removed by the State superintendent of education, and such vacancy shall be filled as prescribed in Section 3 of this act.

Removals

Sec. 7. Be it further enacted, That said board of education shall elect one of their number to be president and one to be secretary and treasurer, who shall hold their offices until changed by the board. A majority of said board shall constitute a quorum to transact business.

Officers

Sec. 8. Be it further enacted, That in May, 1899, at a meeting of the school board of said district, and every two years thereafter, a superintendent

Superintend-
ent

for the schools in said district shall be elected, who shall act with the board, and be its executive officer. He shall be ex-officio district superintendent of education, and shall, within said district, perform all duties required of county superintendents. In case of his absence or inability to act, the president of the board of education shall act in his stead.

Duties

Sec. 9. Be it further enacted, That said superintendent shall make full and complete reports to the said board of education, and to the county superintendent of education; and when he fails to perform his duties, may be removed by said board of education or by the State superintendent of education. All vacancies for the office of the superintendent shall be filled by the board at any regular or called meeting, and the person selected shall hold for the unexpired term. The said superintendent shall be commissioned by the county superintendent of education, and he shall receive such compensation as said board shall fix.

Oath

Sec. 10. Be it further enacted, That each superintendent, when coming into office, shall qualify by subscribing an oath to perform the duties of his office faithfully, and by making bond; the amount to be fixed by the State superintendent of education.

Sec. 11. Be it further enacted, That said superintendent shall supervise all schools in said district, turn over to the secretary and treasurer all money drawn from said school district, and perform any other duties fixed by the board.

Secretary

Sec. 12. Be it further enacted, That the secretary and treasurer shall keep all money turned over to him for said district, and pay out same only on written order of the president. He shall keep all books of said district, and shall, at the beginning of his term, take oath to faithfully perform his duty and give bond to cover all money that shall at any time be in his care.

School fund

Sec. 13. Be it further enacted, That Tallassee School District shall receive its proportionate share of the school fund apportioned to Elmore county, including a pro rata share of the sixteenth

section fund of each township that lies wholly or partly within said district, and all the poll tax collected in the district and all other funds set apart by the State for school purposes.

Sec. 14. Be it further enacted, That the board of education shall take, or have taken, a census of all children within said school district between the ages of seven and twenty-one, and report the same to the county superintendent of education by October 1st, 1899, and every two years thereafter. Census

Sec. 15. Be it further enacted, That the aforesaid board of education shall elect all the teachers, determine their salaries, set time for opening and closing schools, and see that the schools are properly conducted at all times for the best interest of the children. Teachers

Sec. 16. Be it further enacted, That all children between the ages of seven and twenty-one who are actual residents in said district shall be entitled to seats in the public schools of said district: Provided, They abide by the foregoing sections of this act. Non-resident children may be admitted on such terms and conditions as the board of education may prescribe. Pupils

Approved February 23d, 1899.

No. 823)

AN ACT

(H. 1077

To relieve Daniel Faust, of Dale County, Alabama, of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That Daniel Faust, a minor seventeen years old, residing in Dale county, Alabama, be and he hereby is relieved from the disabilities of non-age, and is hereby vested with the right to sue and be sued, to contract and be contracted with, to buy, sell and convey real and personal property and generally to do and perform all acts which such minor could lawfully do if twenty-one years of age. Relief

Approved February 23d, 1899.

No. 824)

AN ACT

(H. 829)

To provide for the payment of certain moneys deducted from the salary of B. F. Wilson, former solicitor of the Seventh Judicial Circuit, on account of his absence from St. Clair Circuit Court at the spring term, 1898, thereof.

Appropriation

Section 1. Be it enacted by the General Assembly of Alabama, That the auditor be and he is hereby authorized and required to draw his warrant on the State treasurer in favor of B. F. Wilson for the sum of three hundred dollars (\$300.00), in payment of that amount which was deducted by the auditor from his salary as solicitor of the Seventh judicial circuit, on account of his absence for twelve (12) days from the spring term 1898 of the Circuit Court of St. Clair county.

Sec. 2. Be it further enacted, That the amount of said warrant is hereby appropriated to be paid by the State treasurer on presentation of said warrant out of any moneys of the State not otherwise appropriated.

Approved February 23d, 1899.

No. 825)

AN ACT

(H. 882)

To create a separate school district in Franklin County, Alabama, and to define the boundaries thereof.

School district

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district be established in Franklin county, State of Alabama, with the following boundaries, to-wit: Commencing at the S. W. corner of Section 30, Township 60, Range 10, and run north to Mud creek; thence northeast with the meanderings of said creek to where said creek crosses the section line between Sections 17 and 20, and from this point east on the said section line to N. E. corner of Section 21, and

thence on east one-half mile in the section line between Sections 15 and 22; thence due south two miles; thence west on the section line between Sections 27 and 34 three and one-half miles, to the starting point, to be known as the Sibley School District, for which three trustees shall be appointed by the county superintendent of education of Franklin county, who shall hold his office until the first Monday in August, 1899, and that on the first Monday in August, 1899, and every two years thereafter, three trustees for said district shall be elected by the qualified electors in said district, who shall hold their office for two years, and until their successors are elected and qualified.

Sec. 2. Be it further enacted, That said separate school district shall receive all the tax collected as poll tax within the limits of the territory set forth, and the county superintendent of education shall set apart from the school fund and disburse and use such pro rata share exclusively for the maintenance of the public schools of said separate school district.

Sec. 3. Be it further enacted, That there shall be but one white school in said separate school district, and it shall be located at Sibley Springs.

Sec. 4. Be it further enacted, That the trustees hereinbefore provided for shall have the same powers, and their duties shall be the same as township trustees under the general laws of Alabama, except they shall not have but one white school in said district, and it shall not be located at any other place than the place named in Section 3 of this act.

Approved February 23d, 1899.

No. 826)

AN ACT

(H. 931

To exempt from State and County taxation the grounds and buildings at Bailey Springs, Alabama.

Preamble: Whereas, The southeast one-quarter of the southwest one-quarter, Section 10, Township Preamble

2 and Range 10 west, and all the buildings, improvements and appurtenances thereunto belonging, are now and for several years have been used by the Bailey Springs University, a corporation duly chartered under the laws of the State of Alabama.

Purpose: Whereas, The object and purpose of this institution is to encourage, foster, promote and maintain the higher education of young women in the State of Alabama.

Whereas, In furtherance of this purpose and to stimulate the higher education of young women in the State of Alabama, the Bailey Springs University issues sixty scholarships, which are available one for every county in the State.

Whereas, The holder of each scholarship receives board and instruction in the full curriculum of the schools of the university, as well as in the schools of art and music, till graduation; now, therefore,

Section 1. Be it enacted by the General Assembly of Alabama, That the southeast one-quarter of the southwest one-quarter, Section 10, Township 2 and Range 10 west, and all buildings, improvements and appurtenances thereunto belonging, used by the university be and the same shall be exempt from taxation, both for State and county.

Sec. 2. Be it further enacted, That this exemption from taxation shall only apply to the aforesaid property, which is now used, and only so long as the property is used for educational purposes by the Bailey Springs University.

Sec. 3. Be it further enacted, That upon the suspension, discontinuance of the university or the abrogation of the charter of the Bailey Springs University, that the aforesaid property, which by this act is exempt from taxation, shall be again subject to taxation.

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 23d, 1899.

No. 827)

AN ACT

(H. 1342)

To relieve Rutledge Davis, of Barbour County, a minor under the age of 18 years, of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That Rutledge Davis, a minor under the age of 18 years, be and he is hereby relieved of all the disabilities of non-age, and he is hereby authorized to buy, sell and convey real estate, sue and be sued, and do all and singularly everything he could lawfully do if he were of the full age of twenty-one years. Relief

Approved February 23d, 1899.

No. 828)

AN ACT

(H. 171)

For the protection of fish in the Tombigbee, Warrior, and Black Warrior rivers, and Mulberry, Locust and Sipsey forks of the Black Warrior river in the State of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act it shall be unlawful for any person or persons to take, catch or capture or to attempt to take, catch or capture any fish out of the streams hereafter named with any kind of nets, seines, dip nets, traps or any other method of catching and entrapping fish, except with rod, hook and line, within one-fourth of a mile of any dam or fishery now existing or which may hereafter be built or constructed across the Tombigbee, Warrior and Black Warrior rivers and Mulberry, Locust and Sipsey forks of the Black Warrior river in the State of Alabama. It shall also be unlawful for any person or persons by any device to hinder or obstruct the fin approach of fish to any fishway now or which may hereafter be constructed on or in the streams named in this section. Unlawful

Duty of sheriff Sec. 2. Be it further enacted, That it shall be the duty of the sheriff of Tuskaloosa county to destroy or remove trap or traps or other obstruction that now or may hereafter be erected or constructed within one-fourth of a mile of any dam or fishway that has been or may hereafter be built or constructed across the Warrior river in said Tuskaloosa county which interferes with or prevents the passage of fish to said dam or dams and over said fishway or fishways.

Penalty Sec. 3. Be it further enacted, That any person who violates the first section of this act shall be guilty of a misdemeanor and shall, on conviction, be punished by a fine of not more than two hundred dollars, and may also be imprisoned in the county jail or at hard labor for the county for not more than six months.

Fine Sec. 4. Be it further enacted, That one-half of the fine imposed upon any person or persons under this act shall go to the party making the complaint against such violator or violators of Section 1 of this act.

Approved February 23d, 1899.

No. 829)

AN ACT

(H. 559

To relieve Walter W. Walker, of Crenshaw county, of the disabilities of non-age.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That Walter W. Walker, a minor, of Crenshaw county, be and he is hereby relieved of the disabilities of non-age, and that he be and is hereby authorized to sue and be sued, contract and be contracted with, to buy, sell and convey real or personal property, and generally to do and perform all things which such minor could lawfully do if twenty-one years of age.

Approved February 23d, 1899.

No. 830)

AN ACT

(H. 1449)

To repeal an act to amend an act approved 22d February, 1887, making T. 17, R. 6 east, Perry County, Alabama, a separate school district, said amended act House Bill No. 814.

Section 1. Be it enacted by the General Assembly of Alabama, That the act passed at the present session, being House Bill No. 814, entitled an act, approved 22d day of February, 1887, making T. 17, R. 6 east, Perry county, Alabama, a separate school district, be and the same is hereby repealed. Repeal

Approved February 23d, 1899.

No. 831)

AN ACT

(H. 1146)

To repeal Sections 4593, 4594, 4595, 4596, 4598 and 4599, of the Code, in so far as they relate and apply to the County of Cullman.

Section 1. Be it enacted by the General Assembly of Alabama, That Sections 4593, 4594, 4595, 4596, 4598 and 4599, of the Code of Alabama, in so far as they apply and relate to the County of Cullman, be and the same are hereby repealed. Repeal

Sec. 2. Be it further enacted, That all cases now pending in the County Court existing under the above mentioned sections of the Code, be and the same are hereby transferred to the City Court of Cullman, and the probate judge must deliver all records and papers in such causes to the clerk of the City Court. Transfers

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed. Repeal

Approved February 23d, 1899.

No. 832)

AN ACT

(H. 521)

To take away from certain justices of the peace in Mobile County, criminal and quasi-criminal jurisdiction.

Jurisdiction

Section 1. Be it enacted by the General Assembly of Alabama, That all criminal and quasi-criminal jurisdiction of whatever kind, whether final or for the purpose of binding over to await the action of a grand jury, is hereby taken away from justices of the peace within the present city limits of the City of Mobile. That justices of the peace who now or who may hereafter be elected or appointed for any portion of the territorial limits heretofore described, shall have civil jurisdiction only, and justices who now are or who may hereafter be elected or appointed outside of any part of territorial limits, shall not have jurisdiction of any criminal or quasi-criminal cause arising within said territorial limits; and no notary public within the above described territorial limits, who is authorized by law to exercise the jurisdiction of justice of the peace, shall have or exercise any criminal or quasi-criminal jurisdiction whatsoever: Provided, This act shall not deprive the recorder of the City of Mobile of any criminal jurisdiction now exercised by him.

When act
goes into
effect

Sec. 2. Be it further enacted, That this act shall go into effect thirty days after it is affirmed.

Approved at 5 P. M., February 23d, 1899.

No. 833)

AN ACT

(H. 1409)

For the relief of the heirs of Dennis Washington, deceased, in the matter of the sale by the State of certain lands belonging to said heirs for taxes in Marengo County, Alabama.

Preamble

Whereas, Dennis Washington, deceased, died seized and possessed of certain real estate lying

partly in Hale and partly in Marengo counties, to-wit: "Frac. in S. W. $\frac{1}{4}$ of Section 16, T. 18, R. 3, and a part of S. $\frac{1}{2}$ of Sec. 17, T. 18, R. 3, containing 240 acres," and being the identical tract of land upon which the said Dennis Washington was residing at the time of his death; and, Preamble

Whereas, A certain act of the Legislature of Alabama, passed at the session of 1870—Acts of 1870, page 75—for the purpose of detaching certain area from Hale county and attaching it to Marengo county, has caused confusion in the matter of the assessment and collection of taxes on said land by reason of the uncertainty of said act in way of describing the land so detached from Hale and attached to Marengo county; and,

Whereas, Prior to the year, 1896, the lands above mentioned of the said decedent were assessed for taxes in Marengo county, and the taxes so assessed regularly paid in said Marengo county by the heirs of the said Dennis Washington, but notwithstanding such assessments were yearly made and the payment of the same also made, the assessor of Hale county yearly assessed State and county taxes on said land as lying in Hale county, and the said lands were sold by the tax collector of Hale county in default of the payment of the State and county taxes so assessed; that after the lands were sold in Hale county the said heirs redeemed the same from the State, and thereafter assessed the same in Hale county, and which assessment in Hale county they commenced with the tax year 1896; and,

Whereas, Although from the time of such redemption—including the year 1896—State and county taxes were paid on said lands in Hale county by the heirs of the said Dennis Washington, the said lands were assessed in Marengo county, Alabama, and in default of the payment of the taxes so assessed in Marengo county for the said year 1896 the said lands were sold by the tax collector of Marengo county on the 6th day of September, 1897, and bid in by the State; and,

Whereas, The said heirs had, prior to said sale in Marengo county, paid the State and county

taxes on said land in Hale county to the tax collector of Hale county, and the last sale was in effect a sale to enforce the collection of the double tax on said lands; therefore,

Sale void

Section 1. Be it enacted by the General Assembly of Alabama, That the assessment of the above described lands belonging to the heirs of the said Dennis Washington, deceased, for said years and the sale made by the tax collector of Marengo county of said lands on the 6th day of September, 1897, to enforce the collection of the taxes then assessed in Marengo county, and for the satisfaction of which said lands were decreed to be sold, be and the same are hereby vacated and annulled and held for naught.

Approved February 23d, 1899.

No. 834)

AN ACT

(H. 1238

For the relief of D. J. Long, sheriff of Washington County.

Whereas, D. J. Long, sheriff of Washington county, in going to and returning from Covington, Louisiana, for the purpose of bringing to justice two men, who violated the laws of the State of Alabama, incurred on said trip the expense of \$100.00 over the amount allowed for such trip; therefore,

County Ap-
propriation

Section 1. Be it further enacted by the General Assembly of Alabama. That the board of county commissioners of Washington county are hereby authorized to draw a warrant on the treasury of said county in favor of D. J. Long for the sum of one hundred dollars, the said warrant to be paid out of the general fund of said county.

Approved February 23d, 1899.

No. 835)

AN ACT

(H. 1261

To prevent the beating of drums on the public highways or roads in Beats No. 1, 3 and 10, in Hale County.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person to beat any drum in, on or along the public roads or highways in Beats No. 1, 3 and 10, of Hale county. Unlawful

Sec. 2. Be it further enacted, That any person who violates the provisions of this act shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than ten dollars. Penalty

Sec. 3. Be it further enacted, That justices of the peace shall have and exercise jurisdiction of all offenses arising under the provisions of this act. Jurisdiction

Approved February 23d, 1899.

No. 836)

AN ACT

(H. 1453

To amend Section 12 of an act to amend the town charter of Georgiana, Butler County, Alabama, approved February 28th, 1887.

Be it enacted by the General Assembly of Alabama, That Section 12 of an act entitled an act, approved February 28, 1887, to establish a new charter for the town of Georgiana, Butler county, Alabama, be and the same is amended so as to read as follows: "That the inhabitants of said town are exempt from working on the roads without the limits of the town corporation, and also from patrol duty. The streets and highways in said town shall be kept in repair by the city, and all male citizens of said town within the ages required by the laws of this State to perform road duty (not otherwise exempt), may be required to perform ten days work on the public streets of said town in each year, or in lieu thereof may pay a street tax not to exceed four dollars a year." Work on streets

Approved February 23d, 1899.

No. 837)

AN ACT

(H. 1461

To amend "An act to incorporate the Southern Lumber Fire Association of Birmingham, Alabama, and to define its rights and powers, and franchise," approved February 14th, 1895.

Name changed Section 1. Be it enacted by the General Assembly of Alabama, That the name of said corporation shall be and the same is hereby changed to the "Manowa Fire Insurance Company."

Capital stock Sec. 2. Be it further enacted, That the capital stock of said corporation may be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each.

Subscriptions Sec. 3. Be it further enacted, That books of subscription to the capital stock of said corporation may be opened at such time and place as may be determined upon by John P. Tillman and Louis V. Clark of the board of incorporators, and when at least five per cent. of the capital stock has been subscribed for in good faith by parties with whose solvency the incorporators or a majority of them are satisfied. The subscribers therefor may meet at such time and place as they may select and may proceed to complete the organization as a stock corporation by the election of a board of directors and the selection of a president and secretary and such other officers as to them may seem proper; and upon the election of the board of directors and the selection of a president and secretary the said corporation shall be deemed to be fully organized as a stock corporation, and thereafter upon the payment of the capital stock so subscribed the said corporation shall have the power and authority to transact the business designated in the third section of said original act.

Words changed Sec. 4. Be it further enacted, That the words "association" and "members" in the original charter of said corporation shall be and the same are hereby changed to the words "corporation" and "shareholders" respectively.

Sec. 5. Be it further enacted, That the fourth, fifth, sixth and seventh sections of the said corporation shall be and the same are hereby repealed. Repeal

Sec. 6. Be it further enacted, That the eighth section of the said corporation shall be changed to read: "That at all meetings of said corporation each shareholder shall be allowed one vote for each share of stock held by him, as shown by stock certificate book at the time of said meeting; each vote may be cast by proxy as provided by law. Meetings

Approved February 23d, 1899.

No. 839)

AN ACT

(H. 1484

To increase the powers of the Mayor and Council of the City of Cullman, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the City of Cullman, in addition to the powers granted them by an act entitled "An act to establish a new charter for the City of Cullman," approved December 12th, 1890, shall have full and complete power to license, tax, regulate and control, by ordinances to be adopted as other ordinances of the City of Cullman, the following business, trades and occupations not enumerated in the present charter, viz: Barber shops, banks, commission merchants, brokers, druggists, apothecaries, express companies, carry express matter from Cullman to other points, and from other points in or out of the State to the City of Cullman; restaurants, accident and fire insurance agents, each company represented; fish and oyster dealers, transient physicians or vendors of patent medicines, undertakers, telegraph or telephone companies, pawnbrokers, dealers in wagons, buggies or carriages, watchmakers or jewelers, bakers, tin shops, coal or wood dealers, dealers in lumber or dealers in brick, saloons, real estate agents, plumber and gas fitters, lightning rod agents or License tax

License tax

companies, ice factories, dealers in tobacco or cigars, photograph and art galleries, fruit stands, marble yards, architects, or superintendents of buildings, boot blacks, job printing offices, newspaper offices, railroad companies having an office in or running cars in or to the city for the purpose of transporting passengers or freight in or to the City of Cullman, or from the City of Cullman from other points; loan associations or companies making loans in the city, wagon, buggy or carriage manufactories, or repair shops, dealers in machinery or agricultural implements, when the principal stock in trade; laundry or laundry agents, sash or blind factory, furniture factories, or other factories; dentists, junk dealers, drover or dealer in horses or mules other than liverymen, building and loan associations, merchant tailors, civil engineers and surveyors, bill or note collectors, brewers or brewery contractors, each or firm; bill posters and distributors, brewery agents or beer agents, or dealers in beer; wholesale dealers in beer, fruit tree agents, each; keepers of studs or jacks, or bulls; corn or flour mills, dealers in oils or agent for sale of same.

Sec. 2. Be it further enacted, That said mayor and council shall have power to levy, fix and collect privilege tax on all occupations, trades, business professions not specially enumerated, of whatever kind or description.

Approved February 23d, 1899.

No. 840)

AN ACT

(H. 1486

To repeal the prohibition act, approved February 26, 1887, so far as the same relates to the corporate limits of the Town of Georgiana.

Repeal

Section 1. Be it enacted by the General Assembly of Alabama, That the act entitled "An act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors in Butler

county," approved February 26, 1887, be and the same is hereby repealed, so far as the same relates to the town of Georgiana.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. Be it further enacted, That the provisions of the Moody bill be operative under this act at the expiration of sixty days. Dispensary

Approved February 23d, 1899.

No. 841)

AN ACT

(H. 1214

To incorporate the Town of McFall, in Talladega and Calhoun counties, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of McFall, in the counties of Talladega and Calhoun, and State of Alabama, be and they are hereby created a body politic and corporate under the name of the Mayor and Council of McFall, and by that name may purchase, receive, let or hold, sell, grant, alien or assure property, real or personal, and sue and be sued, plead and be impleaded, and do and perform any act incident to municipal corporations, as hereinafter provided, and may have a common seal, which may be changed at pleasure, and shall have authority to do all acts and pass such ordinances as may be necessary to enforce the powers granted by this act, but shall not hold property exceeding ten thousand dollars in value. Name
Rights

Sec. 2. Be it further enacted, That the corporate limits of said town of McFall shall be as follows, to-wit: Beginning at the N. E. corner of Section 15, T. 16, R. 6 E., thence west along section lines to the N. W. corner of Section 18; thence south along township line to the S. W. corner of Township 16, R. 6; thence east along township line to $\frac{1}{4}$ section post on the north side of Section 6, T. 16, R. 6; thence south to center of said Section 6; thence east to $\frac{1}{4}$ section post on the east Corporate
limits

side of Section 6; thence north along section line to N. E. corner of Section 6; thence east along township line to $\frac{1}{4}$ section post on the south side of Section 32, T. 16, R. 6; thence north to the line between the lands of Mrs. Margaret Wills and W. R. Bell; thence east along that line to the east side of Section 32; thence north along section line to the $\frac{1}{4}$ section post; thence east to the $\frac{1}{4}$ section post on the east side of Section 34; thence north along section lines to the N. E. corner of Section 15, the point of beginning, all lying and being in the counties of Talladega and Calhoun. Said boundary includes all of Section 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31, all of Section 32 except that part of the S. E. $\frac{1}{4}$ lying south of the line between the lands of Mrs. Margaret Wills and W. R. Bell. Also, the north halves of Section 33 and 34, in T. 16, R. 6 E., and the N. E. $\frac{1}{4}$ of Section 6, T. 17, R. 6 E.

Elections

Sec. 3. Be it further enacted: 1. That there shall be elected by the qualified voters of said town the following officers, namely: A mayor and six aldermen in the manner herein provided. All persons who are, or may be qualified electors in the State, and who have resided within the corporate limits of said town for thirty days preceding the election, shall be qualified electors at any election held in said Town of McFall. 2. An election shall be held on the first Monday of February, 1900, for the election of said board of mayor and aldermen, who shall hold office for a period of two years, and until their successors are elected and qualified, and elections shall occur biennially after that time for the election of such board of mayor and aldermen. Until an election is held as herein provided, Thomas L. Harvey shall serve as mayor of said town, and James A. Harris, F. M. Russell, William L. Dale, J. Blount Turner, Daniel Dulaney and Dave W. Ligon, shall serve as aldermen. All elections shall be held by three inspectors and two clerks, to be appointed by the mayor and councilmen of said town of McFall. Provided, however, That in the event there are opposing candidates or tickets at said election the managers and clerks shall be so

apportioned as that each opposing ticket shall have at least one manager and one clerk of their own selection. The managers of the election shall certify the result of the election to the mayor and council of the Town of McFall. At the same time they shall also securely seal up the ballots and return the poll list of the election to said mayor and council, who shall declare the result of the election, and shall keep possession of said poll list and ballots for a period of at least thirty days, after which time they shall be destroyed, unless there be a contest of the election of said mayor or some of said council, and in the event of such contest they shall be preserved so as to be accessible for use in such contest, until the same be decided. The person receiving the highest number of votes cast at said election for mayor shall be declared elected; but in the event there is a tie vote, then the members of the council, shall elect a mayor, if possible, to do so, from the two receiving the highest number of votes, but should they be unable to agree upon one of those two, then they may elect a third person mayor. The six persons receiving the highest number of votes for aldermen shall be declared elected aldermen, but in the event there is a tie in the election, so that two or more receive the same votes, and under such conditions as that they would be otherwise elected, then the mayor and remaining members of the council who are elected, shall break the tie by the election of one or more aldermen, in the same manner and under the same conditions as is provided for in the case of a tie in the election of mayor. Notice of the time or place of holding said election shall be given at least twenty days prior thereto by posting notices at three or more public places within the corporate limits of said town of McFall, which notices must be signed by the mayor of the town, or by some one under his authority. The person so elected, and all the subordinate officers who may be elected by the mayor and council shall, before entering upon the discharge of their duties, take and subscribe an oath, that he will to the best of his ability and skill discharge all the duties in-

cumbent on him, without favor or affection; which oath shall be administered by a justice of the peace and subscribed and filed with the records of the town.

Contests

Sec. 4. Be it further enacted, That any election held under the provisions of this act may be contested in the same manner and upon the same conditions as are, or may be provided by law, for contesting the election of probate judge, and all provisions of such laws in relation to contesting election of probate judge, shall be applicable to the contesting of any elections under this act, as far as may be possible.

Vacancies

Sec. 5. Be it further enacted, That if the mayor or any councilman during his term of office shall die, remove from said town, resign, refuse to act, or be permanently disabled from acting, the remaining councilmen shall elect by ballot in his stead another mayor or councilman, who shall have proper qualifications, and shall continue in office the remainder of the term and until his successor is elected and qualified.

Qualifications

Sec. 6. Be it further enacted, That the councilmen shall be the judge of the qualifications of the mayor, and the mayor and councilmen shall be the judge of the qualifications of the councilmen, except in case of a contest, in which event the question of eligibility shall be determined by the Court trying the same, if put in issue in such contest.

Quorum

Sec. 7. Be it further enacted, That the majority of the mayor and councilmen shall constitute a quorum for the transaction of business. They shall fix their own sessions, and special meetings may be called by the mayor at any time, or by two of the councilmen. In case of sickness or temporary absence of the mayor, the council may elect one of their own number as mayor pro tempore to act during such sickness or absence, and such mayor pro tempore shall exercise all the powers and perform all the duties of the mayor, but the mayor shall not vacate his office by any temporary absence from the town or city.

Sec. 8. Be it further enacted, That it shall be the duty of the mayor to attend and preside and keep order at the meeting of the council, to hear and determine all cases of violation of all ordinances or by-laws or charters of the said town, and he is hereby invested with power and authority to take jurisdiction of every violation of the laws and ordinances of said town, and to try and convict and punish the same according to the laws and ordinances of said town, and he shall have authority, while holding his Court, to punish any contempt of his Court, by fine or imprisonment, or both, but the imprisonment must not exceed six hours, or the fine exceed twenty-five dollars, and the mayor may compel the attendance of witnesses on his Court by fining them not to exceed ten dollars, to be enforced as other fines are enforced, if they fail to appear before him and testify after being duly certified with subpoena. The mayor shall do and perform such other duties as the council may prescribe, and before entering upon the duties of his office shall give bond in the sum of \$100, payable to the mayor and council of McFall, to be approved by a resolution of the council, and conditioned for the faithful performance of his duties as mayor. Appeal from any decision of the mayor of said town may be taken or had in the same manner as is now or may be provided for an appeal from the Justices of the Peace Court. Cases originating in that portion of the Town of McFall which lies in Talladega county, Alabama, shall be certified on appeal to the proper Courts of that county. Cases originating in that portion of the Town of McFall, which lies in Calhoun county, Alabama, shall be certified on appeal to the proper Courts in that county. The mayor shall receive no salary, but may receive such fees as the council may prescribe for the trial of cases.

Duties and
powers of
mayor

Sec. 9. Be it further enacted, That the Town of McFall be a separate school district.

School dis-
trict

Sec. 10. Be it further enacted, That the police force shall consist of a marshal and such subordinate officer as the mayor and council may by ordinance from time to time prescribe. The mem-

Police

mayor and council for any cause at any time. The marshal and all other subordinate officers shall be elected by the mayor and council, and shall serve for a term of two years. They shall receive such salary or other compensation as may be fixed by the mayor and council; but shall not be entitled to any salary or compensation until and unless so fixed.

Town Officers

Sec. 11. Be it further enacted, That the mayor and council may appoint a city clerk, who may receive the compensation or salary prescribed by the mayor and council. Said clerk shall assess the taxes in the said Town of McFall, but the valuations of property so assessed by him must be the same as may be determined by the county and State authorities for county and State taxation as is now or may be hereafter fixed by the general laws of the State. Until and unless the present provisions of the State Constitution of Alabama on the subject of municipal taxation shall be changed, the city clerk in fixing valuations of property must accept as final the valuations fixed by said State and county authorities, for the preceding year in which the assessment is made by said clerk. But in the event of a change in that particular then the clerk shall fix the assessment in accordance with such change in the Constitution. Said clerk shall also perform all such other duties as may be imposed upon him by said mayor and council, or by the provisions of that act. Said mayor and council may also elect a city treasurer, who shall receive such compensation as may be prescribed by the mayor and council. The mayor and council may prescribe the duties, liabilities and powers of all officers elected or appointed by them, and may require such of them as they deem proper to give bonds, in such sum as they see fit, for the faithful discharge of their duties, and for any good cause may remove them. All persons so elected by them may hold office during the term of the council which elected them. The city clerk shall keep a minute book in which shall be entered all proceedings, orders, regulations, resolutions and ordinances of the mayor and council,

which must also be signed by mayor or acting mayor, and which minute book, shall have the force and effect of a record, and a copy thereof certified by the clerk as being true copy, shall be prima facie evidence in any Court of the State, and said minute book shall be at all reasonable times open for inspection to the public. For the breach of the bond of any of the city officers suit may be brought and such suit must be brought in some Court having jurisdiction thereof in Talladega county, where the residence of the person against whom the suit is brought shall be in that part of the Town of McFall which lies in Talladega county, and the suit shall be brought in Calhoun county, in a Court having jurisdiction thereof in all cases where the person against whom the suit is brought resides in that portion of the Town of McFall, which lies in Calhoun county, Alabama.

Sec. 12. Be it further enacted, That the mayor and city council may elect a city superintendent of schools, who by virtue of his office shall be ex-officio principal of public schools, who shall hold his office for a term of one year. Said superintendent must be a person qualified to teach all branches which are, or may be required by the laws of the State for the first grade teachers. Said principal may be removed at any time by said mayor and council for such cause as to them may seem proper. The council shall also elect such assistant teachers as they deem proper, and such superintendent and assistant teachers shall receive as compensation such salary as may be prescribed by the mayor and council. Schools

Sec. 13. Be it further enacted, That the mayor and councilmen of the Town of McFall shall have full and complete power: 1. To make and adopt such by-laws and ordinances as may be necessary to carry out the powers herein granted, and for the good government and order of said city, and affix thereto such penalties for violation of the same, by fine not to exceed fifty dollars, and hard labor for the town not to exceed thirty days, one, or both; and those persons convicted of a breach of any by-laws or ordinances failing to pay or se- Powers

Powers

cure such fine, may be sentenced to hard labor for the town until such fine and costs are paid, in such manner and for such time as the mayor and council may direct, but not longer than fifty days. 2. To prevent and remove all nuisances at the expense of the person causing same, and upon whose premises the same may be found. 3. To license, tax, regulate or restrain theatrical or other amusements. 4. To establish, open and work streets, avenues and alleys. 5. To establish, regulate and construct separate public schools for white and colored pupils, and to fix the tuition, which may be charged at said schools, or make them free as in the judgment of the mayor and council may seem expedient. Non residents of said Town of McFall may be admitted to said schools upon such terms as may be prescribed by said mayor and council. 6. To pass all laws necessary or proper for the arrest of all persons with or without warrant, charged with violating the city laws or ordinances. 7. To levy and collect a license tax from all persons, firms or corporations carrying on any business in said town: . Provided, however, That no person, firm or corporation shall be subject to any license tax for any business transacted in said town, unless such person, firm or corporation shall be subject to a license tax under the general laws of the State. No license tax imposed by said mayor and council shall exceed \$50.00. It shall be the duty of said clerk to furnish the tax accessor of Talladega and Calhoun counties, respectively, all information which he possesses or can acquire by due diligence in regard to the subjects of property and valuation and assessment thereof lying within the corporate limits of the said Town of McFall, to the end that proper and just valuations and assessment shall be obtained against all such property.

Tax

Sec. 14. Be it further enacted, That said board of mayor and aldermen shall have authority to levy and collect a tax to not exceed one-half of one per centum per annum upon all the property, real and personal, lying and being within the corporate limits of said town.

Sec. 15. Be it further enacted, That said city council shall have authority to require all male inhabitants in the city who have resided therein ten days, and who are between the ages of eighteen and forty-five, and who are not disabled by reason of such physical infirmities, as would exempt them from road duty under the laws of the State to work on the streets of said town six days in each year under such officers as the said council may appoint: Provided, That any person so required to work may relieve himself from working by paying into the city treasury the sum of four dollars for each year when he remained subject to such duty.

Work on
streets

Sec. 16. Be it further enacted, That the mayor and city council shall have authority to levy a tax upon all real and personal property lying within the corporate limits of said Town of McFall, but not exceeding one-half of one per cent, which shall be collected in the manner hereinafter provided, or as may be provided by an ordinance of said city, and which shall be applied to the support of the public schools, and such other public purposes as may be directed by the said mayor and council.

Taxes

Sec. 17. Be it further enacted, That the city council shall cause a copy of the tax lists and books of all the property in the corporate limits of said city listed and assessed as appears on the county tax assessors books for the preceding year to be made and entered in a book kept for that purpose, with all the additions and alterations that may have been made under the provisions of this act: Provided, That the city council may make such regulations as may be necessary in order to have all the taxable property assessed as required by law. That as soon as such book is made and corrected it shall be filed in the city clerk's office where it shall remain for twenty days open for inspection, and said city council shall have a meeting at least once before the said twenty days have expired and hear all complaints and make all corrections of error in assessments of property in said city.

Taxes

Levy

Sec. 18. Be it further enacted, That as soon as possible after the lapse of twenty days the city council shall levy for the current year the tax authorized by this act on all property and subjects of taxation so listed and valued in the book heretofore mentioned, corrected as aforesaid.

Lien

Sec. 19. Be it further enacted, That the taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for said taxes so levied and for all other taxes authorized by this act the city of McFall shall have a preferred lien over all incumbrances and securities whatsoever, except State and county taxes, against the property of any person which under this act may become liable to taxation for the current year, and shall be a lien upon the real and personal estate of such person in the City of McFall from the first day of January or if brought in after that time the lien shall attach from the time it was brought into said city.

Warrant

Sec. 20. Be it further enacted, That after the taxes shall be so fixed and levied, the mayor of said city shall certify the same at the end of the tax book, and append thereto his warrant directed to the marshal of said city of McFall, authorizing and commanding such officer to collect the taxes so levied, commencing on the 15th day of September and continuing until the 15th day of October each year. After which time all persons not having paid their taxes shall be regarded as delinquent. The said marshal shall notify the public by posting notices three weeks in advance in three public places in said city immediately preceding the 15th day of September, in each year, stating that he is ready to receive payment of taxes. Taxes not appearing in this book, but authorized by this act, shall be collected on the warrant of the mayor, directed to the tax collector, commanding him to collect said taxes.

Demand

Sec. 21. Be it further enacted, That after the 15th day of October each year, the city marshal shall make personal demand on delinquents wherever they may be found, for their taxes; and where unable to find them in said city shall leave a no-

tice at the place of residence of such taxpayers requiring them to come forward and pay such taxes and costs immediately, and for making such personal demand or giving such notice he shall be entitled to fifty cents, but no demand or notice shall be necessary to taxpayers who are non-residents of the city, except such as required by the general laws of the State.

Sec. 22. Be it further enacted, That the marshal of the city or such other officers as may be designated by the city council to collect taxes, shall be charged with and accountable for the whole amount of taxes assessed for the year, and can only be discharged from such by showing that the taxes are unpaid, and could not be collected by the exercise of due diligence on his part. Taxes

Sec. 23. Be it further enacted, That all taxes laid under this act which are not paid by the 1st day of November each year shall after that time be collected by the marshal by levying upon and seizing any personal property, if there be any, or if there be none or not sufficient personal property, then he may sell the real estate of such delinquent tax payer, as is now provided by law for collecting State and county taxes. Levy

Sec. 24. Be it further enacted, That when real estate is levied on for taxes, notice of sale shall be given by publication in a newspaper published in the county in which the said real estate is located, if in that portion of the City of McFall which lies in Calhoun county, Alabama, a notice shall be published in a newspaper published in that county, once a week for two weeks, if in that portion of the City of McFall which lies in Talladega county, Alabama, a notice shall be published in a newspaper published in that county once a week for two weeks, and the sale shall take place in front of the school house in the City of McFall. That the marshal shall bid off for the City of McFall all lots and lands on which he can get a bid from other persons for the taxes and expenses of sale, and said marshal shall issue a certificate of purchase to said city, such real estate shall be subject to redemption as provided for the Sale

sale of lands for payment of State and county taxes. After the expiration of two years, the mayor of said city shall make and execute to holders of certificates deeds to each lot or parcel of land sold and unredeemed and deliver the same to the purchaser or his assigns upon the return of the certificate and the payment of all subsequent taxes on the property and one dollar for the deed.

Poll Tax

Sec. 25. Be it further enacted, That the mayor and the council of the City of McFall shall have exclusive power and authority to levy, assess and collect all poll tax from the inhabitants of said city liable to pay such tax, to be used and applied exclusively to the public schools of said city, said tax to be assessed and collected as other taxes are assessed and collected: Provided, That the poll tax collected from white men shall be applied to the school fund for white children, and the poll tax collected from colored men to be applied to the public schools for colored children.

Trustees

Sec. 26. Be it further enacted, That the mayor and council of the City of McFall be and they are hereby created a board of trustees of the separate school district created by this act, and such board of trustees are alone authorized and empowered to employ or contract with teachers of any public schools in said school district established by and created by this act; and that no teacher shall be employed to teach a public school in said city unless such teacher so employed shall have been duly examined as to his or her efficiency by the city superintendent of public schools. That said board shall appoint a secretary, who shall be a member of said board, and a treasurer; and the treasurer of said board shall give bond in such sum as the board may direct, for the faithful discharge of his duties. That the City of McFall, as soon as such school district shall receive its proportionate share of the public fund from all sources, including the pro rata share of the sixteenth section fund of each township that lies partly within said school district, all such funds to be drawn from the proper authorities and disbursed by said board of trustees through its sec-

retary and treasurer in the same manner as county superintendents of education draw and disburse funds for their respective counties: Provided, That said board of trustees may at any time after the same has been paid in, draw from the State of Alabama all school funds due said school district for the then scholastic year; and the amount thus drawn by the said board of trustees shall be used exclusively for the maintenance of the free public schools in the City of McFall, for white or colored, as may have been appropriated by law. School funds

Approved February 23d, 1899.

No. 842)

AN ACT

(H. 250

To levy a license tax, State and county, on all peddlers of tinware or articles of like kind or character, in the County of Marengo.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, there shall be collected from each peddler of tinware, or articles of like kind or character, or each agent soliciting or taking orders for the same, in the County of Marengo, a State license tax of one hundred dollars, and a county license tax of one hundred dollars. License tax

Sec. 2. Be it further enacted, That any peddler or agent selling or offering to sell any tinware or articles of like kind or character, or who solicits any order for the same, in the County of Marengo, without first paying the license as provided by the first section of this act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars, nor more than five hundred dollars: Provided, That the provisions of this act shall not apply to traveling salesmen from wholesale houses selling to retail dealers. Penalty

Sec. 3. Be it further enacted, That this act shall not be construed to repeal or in any way affect the operation of an act entitled "An act to allow soldiers and sailors of the Confederate States of Construction

America, who have been residents of this State for five years next before the passage of this act, to peddle in produce and merchandise in each and every county in this State, except in incorporated villages, towns and cities, without payment of the stipulated license, and providing the manner of obtaining such license," approved February 11th, 1897.

Approved February 23d, 1899.

No. 843)

AN ACT

(H. 890

To relieve Levi Wesley Smith and Mary Smith, of Hale County, of the disabilities of non-age.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That Levi Wesley Smith and Mary Smith, minors under 18 years of age, of Hale county, Alabama, be and they are hereby relieved of all the disabilities of non-age, and that they be and are hereby authorized to sue and be sued, contract and be contracted with, to receive and take possession of their estate, and to give receipts, and acquittances therefor, to purchase, mortgage, exchange, transfer and sell real and personal property, and to do and perform all things as effectually and legally as though they were twenty-one years of age.

Approved February 23d, 1899.

No. 845)

AN ACT

(H. 1098

To relieve Philip L. Brown and Marie H. Brown of the disabilities of non-age.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That Philip L. Brown and Marie H. Brown, of Dallas county, Alabama, minors under age of eighteen years, be and are hereby relieved of the disabilities of non-age, and that they shall

have the right to sue and be sued, contract and be contracted with, to buy, sell, mortgage or convey real and personal property, and generally to do and perform all acts which they would lawfully do if twenty-one years of age.

Approved February 23d, 1899.

No. 846)

AN ACT

(H. 1354

To authorize the Mayor and Aldermen of Birmingham to issue bonds of said city for the purpose of paying off, exchanging or refunding the past due and unpaid interest coupons which may accrue by the first day of September, 1900, and to issue bonds for the purpose of paying off, exchanging or refunding any of the outstanding bonds of said city.

Section 1. Be it enacted by the General Assembly Bonds
of Alabama, That the mayor and aldermen of Birmingham be and they are hereby authorized to issue bonds of said City of Birmingham for the purpose of paying off, exchanging or refunding the past due and unpaid interest coupons of said city, which may accrue by the first day of September, 1900, said bonds to be of the denomination of not less than one hundred dollars, payable not later than thirty years from date of issuance, with interest coupons attached, payable semi-annually to bearer, the rate of interest not exceeding five per cent. per annum; said bonds and coupons to be payable in gold coin of the United States of America of the present standard of weight and fineness, in the City of New York, at some bank to be designated by the board; said bonds, when issued, to be known as "Funding Bonds."

Sec. 2. Be it further enacted, That the mayor Sale or
and aldermen of Birmingham are hereby author- Exchange
ized to negotiate and sell such bonds for not less than par, and the proceeds of sale shall be paid over to and kept by the treasurer of said city, to be used and applied exclusively to the paying off of the outstanding past due and unpaid coupons

of bonds heretofore issued by the said city in pursuance of law: Provided, however, That the said mayor and aldermen are hereby authorized to exchange said bonds with the holders of said coupons for such coupons, but such exchange shall not be made at less than par—that is to say—dollar for dollar of the face of the principal of said bonds and of the face of said coupons.

Time

Sec. 3. Be it further enacted, That the mayor and aldermen of Birmingham are hereby authorized and empowered to refund or pay off its bonded indebtedness, and may, from time to time, for the purpose of paying off, exchanging or refunding any outstanding bonds of said city, issue new bonds, to run not longer than thirty years and to bear interest not exceeding five per cent. per annum, payable semi-annually, in such form and with such conditions and provisions and in such denominations as may be prescribed by the board; but such bonds, when issued, shall in no event be sold for less than par, nor shall they be exchanged for outstanding bonds at less than their face value. Such bonds and coupons as may be paid off, as herein provided, and also such as may be obtained by exchange of new bonds, as herein provided, shall be destroyed by burning the same, in the presence of the mayor of said city, the chairman of the finance committee, the chairman of the judiciary committee, the city treasurer and the city attorney.

Signed by

Sec. 4. Be it further enacted, That the bonds authorized to be issued under this act shall be signed by the mayor and countersigned by the treasurer of said city, and the seal of the city affixed thereto; but the names of the mayor and treasurer shall be lithographed upon the coupons attached to the bonds, and the city treasurer must keep a correct record and account of all bonds disposed of under this act.

Authority of
mayor and
aldermen

Sec. 5. Be it further enacted. That the mayor and aldermen of Birmingham are hereby authorized to do any and all things that may be necessary to carry out the powers herein granted, and no technicality, informality, irregularity, neglect

or omission in the proceedings or records of said board shall in anywise vitiate or annul said bonds or coupons as may be issued by virtue of this act, and such bonds and coupons shall have all the properties and protection of commercial paper, and at and after maturity thereof shall be receivable for all dues to the City of Birmingham in the way of taxes, licenses and otherwise.

Sec. 6. Be it further enacted, That the custody of said bonds, until disposed of, and the proceeds of said bonds, if sold, shall be under the supervision and direction of the said board of mayor and aldermen, and the city treasurer shall be responsible for the safe keeping of said bonds or the proceeds thereof to the same extent as for other city funds.

Sec. 7. Be it further enacted, That said board of mayor and aldermen are hereby expressly authorized and empowered to inquire into and ascertain the names and residences of the holders or owners of all bonds, or as many as can be, together with the amounts of bonds held or owned by each of such persons, and the rate of interest thereon, and for that purpose said board is hereby authorized and empowered to make publication in such newspapers as they may deem necessary, and to send for persons and papers, and to examine witnesses on oath, which oath may be administered by the mayor or any member of said board; and said board may ascertain on what terms said bonded debt, in whole or in part, can be refunded and on what terms the said unpaid interest, in whole or in part, can be refunded.

Sec. 8. Be it further enacted, That the use, disposition or application of any of the bonds herebefore authorized, or of any of the proceeds of sale of any of said bonds, which may be sold for any other purpose than that authorized by this act, shall be deemed a felony, and the person guilty thereof must, upon conviction, be imprisoned in the penitentiary for not more than five years, and may be fined not more than one thousand dollars.

Amount

Sec. 9. Be it further enacted, That the aggregate amount of bonds issued under this act shall in no event exceed the outstanding interest which may be due, as aforesaid, together with the aggregate amount of bonds heretofore issued and now outstanding.

Approved February 23d, 1899.

No. 847)

AN ACT

(S. 359)

To establish a separate school district, to be known as Remlap School District, in Blount County, Alabama.

School

district

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district, to be known as the Remlap School District, in Blount county, Alabama, be and the same is hereby established, to consist of the following territory, to-wit: Beginning at the northeast corner of southeast quarter of Section 6, T. 14, Range 1 east, running thence west two miles to N. W. corner of S. W. $\frac{1}{4}$ of Section 1, T. 14, Range 1 west; thence with top of Red Mountain in a S. W. direction to the S. W. corner of N. W. corner of Section 27; thence two miles east to S. E. corner of N. E. $\frac{1}{4}$ of Section 26; thence one and one-half miles to S. W. corner of Section 36; thence one mile east to S. E. corner of said section, at the point where it strikes the Huntsville Meridian; thence north three miles to S. E. corner of Section 13; thence east one-half mile to S. E. corner of S. W. $\frac{1}{4}$ of Section 18, T. 14, Range 1 east; thence north one mile to N. E. corner of N. W. $\frac{1}{4}$ of Section 18; thence east one-half mile to S. E. corner of Section 7; thence north one and one-half miles to the beginning point.

Management

Sec. 2. Be it further enacted. That the management of said separate school district shall be conducted under and controlled by the laws as laid down in the Code of Alabama.

Sec. 3. Be it further enacted, That the county superintendent of education shall appoint three trustees for said district, who shall be resident freeholders in said district, as provided by law, whose duties and powers shall be those prescribed by the Code of Alabama.

Approved February 23d, 1899.

No. 849)

AN ACT

(S. 75

To create the City of Fruithurst, in Cleburne County, including all the territory within (2) two miles of the school house situated within the corporate limits of said city, a separate school district, and to create a separate school district in Chambers County, at Lanett, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district, to be known as the "Lanett School District," be established, subject to the public school laws of the State of Alabama, to be composed of the following territory, to-wit: All that territory within the corporate limits of the town of Lanett. That the said separate school district shall receive its proportionate share of the public school funds of said township, including its pro rata share of the sixteenth section fund; and it shall also receive all the tax collected from the white people as poll tax within the limits of the territory set forth; and the trustees of said school district to be appointed as hereinafter provided, shall have the management of said school district under their control, and shall employ and pay teachers for said school district.

Sec. 2. Be it further enacted, That within thirty days after the passage of this act, the probate judge of Chambers county shall appoint nine trustees, who shall serve as such for said school district one year from the time of their appointment; and said probate judge shall also appoint a

superintendent, who shall serve as such for said school district one year from the time of his appointment; and said superintendent shall receive from the county superintendent of education all the moneys or funds hereinbefore provided for, and he shall turn over said moneys or funds to the trustees of said school district, taking their receipts for the same.

Superintendent

Sec. 3. Be it further enacted, That before entering upon the duties of superintendent of said school district, the superintendent shall make bond of good and sufficient sureties payable to the trustees of said school district, the amount of said bond to be fixed and sureties accepted by said trustees, said bond providing that should the superintendent of said school district fail or refuse to turn over to said trustees the moneys or funds coming into his hands from the county superintendent of education, or from any other source belonging to said school district, he and his sureties on the bond shall be liable to said trustees for the amount he has failed or refused to turn over to them; and if, after the said trustees have demanded the said moneys or funds, he fails or refuses to turn over to them the amount he withholds, for five days, he and his sureties on the bond shall pay to said trustees the full amount of said bond; and should he and his sureties fail to pay said amount without suit the trustees of said school district shall recover of said superintendent and his sureties on the bond the full amount of said bond in the Circuit Court of Chambers county.

Treasurer

Sec. 4. Be it further enacted, That the trustees of said school district shall elect one of their number treasurer of said school district, who shall serve one year from the time of his election, and he shall keep the moneys or funds of said school district and pay them out only upon the order of the trustees; and that before entering upon his duties as treasurer he shall make a bond with good and sufficient sureties, payable to the trustees of said school district, the amount of said bond to be fixed and accepted by said trustees;

said bond to provide that, should the treasurer of said school district fail to keep the funds or moneys of said school district and pay them out as directed in this section of this act, he and his sureties shall be liable to said trustees for the amount of said bond; and should suit be necessary to collect the amount of said bond, said trustees shall recover of said treasurer and his sureties on the bond the full amount of the said bond in the Circuit Court of Chambers county.

Sec. 5. Be it further enacted, That after the Election superintendent and trustees, appointed under the provisions of this act, shall have served one year from the time of their appointment, the patrons of said school district shall elect nine trustees and one superintendent, all of whom shall serve as such trustees and superintendent, two years from the time of their election; and when the term of office of the trustees and the superintendent shall have expired their successors shall be elected in the same manner that they were elected; and said election shall be conducted under the management of the mayor or intendant of the town of Lanett.

Sec. 6. Be it further enacted, That the treasurer Compensation and superintendent of said school district shall receive compensation for their services as such treasurer and superintendent of said school district, said compensation to be fixed by the trustees of said school district and paid out of the moneys or funds of said school district on the order of the trustees; said treasurer and superintendent, and their successors in office shall, before entering upon the duties of their respective offices, give bond as required in Section 3 and 4 of this act.

Sec. 7. Be it further enacted, That the trustees Fees of said school district shall have power to charge matriculation fees.

Approved February 23d, 1899.

No. 850)

AN ACT

(S. 361

To regulate the keeping and paying out of the fund arising from the sale of bonds by the mayor and council of the City of Cullman, and to collect a sum sufficient to pay the interest and principal thereon.

Special Tax

Section 1. Be it enacted by the General Assembly of Alabama, That the board of the mayor and council of the City of Cullman be and the same are authorized to and it shall be their duty to levy, assess and collect upon all the taxable property within the City of Cullman within the constitutional limit, sufficient taxes to pay the principal and interest upon the bonds issued by said city, and in order to meet the principal and interest at maturity upon any and all of said bonds issued by an act of the Legislature of Alabama at the session 1898-1899, shall and it is hereby made their duty out of the general revenue of the City of Cullman each year, a sum sufficient to meet the interest upon said bonds; and may, in the discretion of the mayor and council of the City of Cullman, set apart a sinking fund each year to meet the payment of the principal of said bonds: Provided, however, That said bonds shall be paid promptly when they become due and payable.

Exempt from
City Tax

Sec. 2. Be it further enacted, That the bonds issued under said act by the mayor and council are exempt from taxation by said city.

Deposits

Sec. 3. Be it further enacted, That the money derived from the sale of said bonds shall be kept separate from other city funds; and may be deposited by said mayor and council, in their discretion, in not fewer than four of the banks of Birmingham, Alabama, and two of the banks of Cullman, Alabama, or in their discretion all or any part of said funds may be kept in safety boxes in burglar-proof bank vaults in either of said cities; that not more than five thousand dollars shall be kept by the city treasurer at any one time.

Sec. 4. Be it further enacted, That all sums paid out of the funds derived from the sale of said bonds shall be upon itemized, sworn accounts presented to and approved by the board as other claims against the city, and an order shall be first made and entered on the minutes of said board and warrants therefor drawn on the city treasurer and signed by the clerk and countersigned by the mayor, and all such accounts, orders and warrants shall specify that same are made and drawn against, and to be paid out of the bond funds, and shall further specify whether the same are for work or material in the construction of water works, or of electric lights, or for street improvement, as the case may be, and all accounts and warrants shall be kept separate, so as to show what amount has been appropriated for water works, what amount for electric lights and what amount for street improvement. Payments

Sec. 9. Be it further enacted, That any officer, agent or employee or any member of the board of mayor and councilmen who shall use the funds or any part thereof derived from the sale of bonds authorized by this act, or who shall knowingly permit the same to be used for any other purpose than those mentioned in this act, shall be liable in his individual capacity to the City of Cullman for the recovery of the same, and shall also be liable to a criminal prosecution for the conversion of said funds. Unlawful

Sec. 10. Be it further enacted, That said board shall advertise the said bonds for sale in one newspaper published in said town or elsewhere for thirty days before sale thereof, and no agent or broker shall receive any commission out of said funds or other city funds for negotiating the sale of same. Advertise

Sec. 5. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed. Repeal

Sec. 6. Be it further enacted, That commissions shall be paid out of said fund derived from the sales of bonds by the mayor and council of Cull- Commissions

man to any person for negotiating said bonds, or keeping or paying out said fund.

Approved February 23d, 1899.

No. 851)

AN ACT

(S. 306

To prevent stock from running at large in Tallapoosa County.

Stock not to
run at large

Section 1. Be it enacted by the General Assembly of Alabama, After the passage of this act, all persons are prohibited from allowing their stock to run at large anywhere in Tallapoosa county, and it shall be unlawful for the owners of any stock to permit such stock to go upon the lands or crops of another in said County of Tallapoosa, and for each wilful violation of this section, the owners of such stock shall be guilty of a misdemeanor and, upon conviction of such offense, shall be fined not less than ten nor more than one hundred, which said fine must be paid in lawful money of the United States. The term stock, when it occurs in this act shall be held to include horses, mares, mules, jacks, jennies, colts, cows, calves, yearlings, bull, oxen, sheep, goats, lambs, kids, hogs, shoats and pigs.

Damage

Sec. 2. Be it further enacted, That for any damage done by stock running at large in such prohibited territory, the owner shall be liable to the injured party in twice the actual damage done, to be recovered by suit before any Court having jurisdiction, and any such judgment recovered shall be a lien on the stock so committing the damage, and the execution shall be directed to be levied on the property committing the damage, to be pointed out by the plaintiff, as well as the other property of the defendant if such stock is insufficient to pay the judgment.

Trials

Sec. 3. Be it further enacted. That the prosecution and civil actions provided for in this act may be tried before any justice or notary public, with justice jurisdiction, in the beat where the offense

or damage is committed, and the amount of the damage does not exceed one hundred dollars. If the justice and notary public of the beat in which the damage is done, by reason of relationship, or interest, or in case of a vacancy in such offices, then such, for any legal reason, trials and prosecutions shall be had in any adjoining beat in said county free from such objections. For such trials and prosecutions said Justice Courts shall always be open; but three days notice shall be given to the opposite party before put on trial.

Sec. 4. Be it further enacted, That whenever any damage herein mentioned has occurred, it shall be lawful for the injured party to confine so much of the stock causing the damage, if taken while such damage is being done, or before such stock has left his premises, and hold such stock until the damage caused by same are paid by the owner, or other person for him, if the amount thereof is agreed on by the parties. If they disagree, and the injured party of such disagreement may institute suit for damage in two days, he shall still be authorized to hold said stock until the trial is had, unless the owner gives bond with good and sufficient surety, payable to the party injured in double the sum of fifty dollars, conditioned to pay such judgment as may be rendered in the cause against him, in ten days after its rendition, in the trial of such cause; if the plaintiff recovers, judgment shall be rendered for the cost of keeping such stock, as well as the damage provided for in this bill and the costs of suit. But if the defendant has tendered the bond herein provided for the injured party and in the discretion of the Court trying the said cause, the security is sufficient, and the plaintiff refuses to accept same, he shall not be allowed any cost for keeping such stock after such bond was tendered; and all suits under this act for damages shall be barred unless commenced within six months after the right of action has accrued or injury has been committed.

Approved February 23d, 1899.

No. 852)

AN ACT

(S. 81

To incorporate the Eagle Hook and Ladder Company, Number 1, of the City of Demopolis, Marengo County, Alabama.

Preamble

Whereas, There was incorporated by the Legislature of the State of Alabama, a fire company, by act approved December 16th, 1870, by the name of the Eagle Hook and Ladder Company of the City of Demopolis, Alabama; and, whereas, said corporation desires its charter renewed, as it was under said act; therefore,

Incorporators

Section 1. Be it enacted by the General Assembly of Alabama, That E. W. Weiss, Gesner Williams, J. G. Chisholm, John Willingham, B. W. Nored, and Albert Saunders, and their associates and successors, be and hereby are declared and constituted a body corporate by the name and style of "The Eagle Hook and Ladder Company, Number One, of the City of Demopolis, Alabama"; and by that name and style may sue and be sued, plead and be impleaded, answer and be answered, in any Court of law and equity in this State, and may have and use a common seal, and alter and amend the same at pleasure; may have and hold real and personal property to the amount of fifteen thousand dollars, and may sell and transfer the same at pleasure.

Name

Duties exempt
from

Sec. 2. Be it further enacted, That the members of said company and body corporate be and they are hereby exempted from jury, militia, road and street duty, and after seven years service a member may become an honorary member under such rules and regulations as said company may provide; and said honorary members shall be entitled to all the rights, privileges and immunities of active members.

By Laws

Sec. 3. Be it further enacted, That the company may enact such rules and by-laws for its own government as the members think proper; provided, they are not contrary to the constitution of the United States and the State of Alabama, and may alter or change the same at pleasure.

Sec. 4. Be it further enacted, That said company shall be allowed to exercise all privileges legitimately belonging to fire companies.

Approved February 23d, 1899.

No. 853)

AN ACT

(S. 505

To establish a new charter for the Town of Pratt City, Jefferson County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the corporate limits of the town of Pratt City, in Jefferson county, shall embrace and include all that territory of land by and being included in the following limits, to-wit: Beginning 417 12-100 feet south from the northwest corner of Section 29, Township 17, Range 3 west, running northeast to a point 417 12-100 feet from the northwest corner of said section; thence east on the section line to the right of way of the Tennessee Coal, Iron and Railroad Companies railroad; thence in a southeasterly direction along the right of way of the said railroad, to a point directly north of Church street; thence south to a line to the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$; thence west to the southeast corner of the N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of said section; thence south to the southeast corner of the N. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$; thence west to the S. W. corner of the N. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of Section 29; thence north along said section line to a point 442 75-100 feet south of the N. W. corner of N. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of Section 29; thence running west 442 75-100 feet, thence north 442 75-100 feet; thence west 100 feet west of the southwest corner of the S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Section 30; thence north to the center of Coal branch; thence in a northeasterly direction to where Coal branch intersects the west line of the N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of Section 29; thence north to the point of beginning.

Wards

Sec. 2. Be it further enacted, That the said town is hereby divided into four wards, as follows: The First ward shall consist of all the territory within the corporate limits situated in the N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ and in the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of Section 29; Second ward, the territory situated in the S. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of Section 29. Third Ward: The territory in the N. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of Section 29. Fourth Ward: The territory in the S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$, and all territory in the corporate limits in N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$, and the N. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Section 30.

Name

Sec. 3. Be it further enacted, That the inhabitants of the territory described in Section 1 of this act, constituting the corporate limits of the town of Pratt City, shall be a body corporate by the name and style of the Mayor and Board of Aldermen of Pratt City, and by this name may sue and be sued, contract and be contracted with, receive and grant, and do all other things and acts as natural persons in respect to the powers herein granted; and may purchase, receive, hold, let, grant or alien property, real and personal and mixed, and do and perform such other acts as are incident to bodies corporate.

Rights

Jurisdiction

Sec. 4. Be it further enacted, That all the powers and jurisdiction conferred by this act upon the corporate authorities of the town of Pratt City may be enforced and exercised within the boundaries and the territory hereinbefore mentioned, and over the inhabitants thereof, and the police powers and jurisdiction may be exercised within any territory of the County of Jefferson lying within one mile of the city hall of said town, and have power to punish offenses committed in said territory, the same as if committed in the corporate limits.

Government

Sec. 5. Be it further enacted, That the government of said town shall consist of and its corporate powers be exercised by a mayor and eight aldermen; that each of the wards shall be entitled to two aldermen, who shall reside in the wards from which they were elected; and said mayor and aldermen shall be qualified electors of said town

and the State of Alabama, and shall hold office for the term of two years, and until their successors are elected and qualified; all elections for mayor and aldermen to take place biennially on the first Tuesday in March, and to be conducted in all respects in accordance with the general laws of this State where not in conflict with the provisions of this act: Provided, That qualified electors of the State of Alabama who have resided in the corporate limits thirty days shall be entitled to vote in said election.

Sec. 6. Be it further enacted, That should the election; as provided for in the preceding section, Elections for any cause, not take place on the day fixed, the corporation, for that reason, shall not be dissolved; and it shall be the duty of the mayor and aldermen to fix some day as early as convenient within thirty days thereafter, on which day the said election be held. In case of a vacancy from any cause, either in the office of mayor or alderman, the vacancy shall be filled by election, by ballot, by the remaining members of the board, at its next regular meeting. The present mayor and aldermen shall hold their offices until their successors are elected and qualified.

Sec. 7. Be it further enacted, That the polls of said election shall be opened at nine o'clock A. M. and kept open until six o'clock P. M., and on closing the polls the inspectors shall proceed immediately to count the ballots, and shall certify the result to the mayor and aldermen, and the mayor and aldermen shall issue to each person elected, a certificate of his having been duly elected. The mayor and aldermen shall appoint three qualified electors as inspectors of election, and the said inspectors shall have full power to keep order at the place of holding said election, and to commit to jail any person who shall make or attempt to make any disturbance, at the place of holding said election, so as to interfere with the peaceable and orderly conducting of said election, and the chief of police or policemen shall be present, who shall obey all orders of the inspectors. The mayor and aldermen shall give thirty days notice of the time

and place of holding said election by publication in some newspaper published in said town, or by posting notices in three or more places in said town.

Contests

Sec. 8. Be it further enacted, That any election under this act may be contested for any of the grounds for contesting election under the general laws of this State, and by any person authorized under the general laws of the State to contest elections. Such contest shall be tried before the judge of probate of Jefferson county, and shall be governed by the rules prescribed in Article 17, Chapter 40 of the Code of Alabama of 1896; so far as the same are applicable: Provided, Such contests are instituted within 20 days after such election is held.

Ballots

Sec. 9. Be it further enacted, That the ballots cast shall be carefully sealed up in a box and be deposited with the clerk of the town, who shall preserve the same for 20 days, and if there be no contest, burn the same, but if there be a contest they shall be delivered to the clerk of the Circuit Court of Jefferson county, who shall preserve the same until such contest is finally disposed of.

Registration

Sec. 10. Be it further enacted, That at least sixty days before the first Tuesday in March of each odd numbered year the mayor and aldermen shall appoint a registrar of voters and shall designate the place of registration. Said registrar shall commence registration at least thirty days before said election, and shall close the registration ten days before said election is held. He shall keep the registration books open daily during the time of registration from the hour of nine o'clock a. m. to the hour of eight p. m. He shall give at least ten days notice by advertisement in some newspaper published in said town or by posting notices in three or more places in said town of his appointment and the time and place at which he will attend and make registration of voters as herein required; and should the registrar so appointed fail to act, or from any cause, a vacancy should occur in said office, the mayor shall appoint some person to fill such va-

cancy. Before registration is made of any applicant therefor, the registrar must be satisfied by personal knowledge, or otherwise, that the person offering to register is, or will be by the then ensuing election, a qualified elector of the said town, and the said registrar, being satisfied, must thereupon place the name of such applicant upon the registration list, with his age, color, and other description as may easily identify such elector. The said registrar shall give to each person registered a certificate of registration, and such certificate of registration, or certified copy thereof, must be presented to the inspectors of election by the elector when he offers to vote, and no elector shall be allowed to cast his ballot who does not present his certificate of registration or certified copy thereof as hereinafter provided for: Provided, That in case of loss of certificate of registration the registrar shall, upon the presentation of an affidavit, of the loss of such certificate of registration, issue another certificate of registration at the expense of the elector, but no such certified copy shall be issued less than ten days preceding an election. And said registrar immediately after the closing of said registration shall make an alphabetical list of the same, and certify thereto, shall deliver the same to the city clerk, together with the original list certified to, who shall preserve the original list in his office, and deliver the alphabetical list to the inspectors of the election. After the first registration it shall not be necessary for voters to be registered at each succeeding election; provided, the corporate authorities may order a new registration before any election. The registrar shall receive such compensation as the board of mayor and aldermen shall see proper, in no event to exceed five cents for each voter registered.

Sec. 11. Be it further enacted, That the registrar shall be in attendance at the polls on the day of election and remain until the polls are closed, for the purpose of registering any qualified elector who was physically unable to attend during the regular registration, as hereinbefore provided for,

Registration

Registrar at
polls

or who was absent from the town during said registration, and he shall have authority to examine into the correctness of said inability, and upon being satisfied of the correctness of said physical inability to attend or absence from the town shall enter his name on said registration list as in cases of regular registration and shall issue a certificate of registration to such elector. He shall within ten days after the election make a supplementary list of all such electors as he registers on the day of election, with an alphabetical copy, certify the same, and deliver them to the city clerk.

Oath

Sec. 12. Be it further enacted, That before entering upon the discharge of his duties as said registrar he shall make oath before the mayor that he will faithfully and truly cause registration to be made of all persons who may personally apply therefor, and show that they are legally entitled to vote at next ensuing election, and that he will not register any other persons. For the violation of any of his duties as registrar he shall be guilty of a misdemeanor and fined not to exceed one hundred dollars.

Tie

Sec. 13. Be it further enacted, That should there be a tie vote for any office the mayor and aldermen shall order a new election for such office to be held, not later than thirty days thereafter, and in the same manner and form as hereinbefore provided for a regular election.

Mayor pro
tem

Sec. 14. Be it further enacted, That the aldermen shall elect one of their number mayor pro tem., who shall act instead and perform the duties as mayor in his absence, inability or incapacity to act, and in case of the mayor's death, resignation or removal from the city, and until his successor shall have been elected and qualified. During the time of such service, he shall receive the fees and salary attaching to said office.

Removals

Sec. 15. Be it further enacted, That any alderman may be deposed for misconduct in office, habitual drunkenness, or for habitual neglect of his official duties, by a majority vote of all the members of the board. The mayor may be removed for malfeasance or misfeasance in office, habitual

drunkness, or gross immoral conduct or for any cause which incapacitates him from discharging his official duties by the Circuit Court of Jefferson county, on the presentation of three aldermen, proof being made of the cause of removal. The charges shall be filed with the clerk of the Circuit Court of said county by the aldermen, in the name of the city, signed by three aldermen, and attested by the city clerk, and notice of the filing of the same shall be issued by the clerk of said Circuit Court and served on the mayor by the sheriff of Jefferson county. The case shall be put on the civil docket and stand for trial at the first term of the Court after the filing. The notice shall be served twenty days before the cause stands for trial. The trial shall be conducted under the rules for criminal procedure, and the judgment of the Court shall only extend to removal from office and imposition of costs, and the mayor shall be suspended from his official duties until determined by the Court.

Sec. 16. Be it further enacted, That no person shall be elected to or hold the office of mayor of Pratt City who shall not have resided therein two years next preceding the election, nor shall any one hold the office of alderman who shall not have resided therein for twelve months, next preceding the election. Should the mayor remove from the city or an alderman remove from the ward for which he was chosen, his office shall be vacated thereby. Qualifications

Sec. 17. Be it further enacted, That a majority of the board of mayor and aldermen shall be necessary to transact any corporate business, but any number not less than two, may assemble at their regular place of meeting, and adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as the board may prescribe. The board may determine the rules of its proceedings and may fine its members for disorderly or unbecoming conduct. Quorum

Duties and
powers of
mayor

Sec. 18. Be it further enacted, That it shall be the duty of the mayor to preside and keep order at the meetings of the board; he shall call special meetings of the board whenever, in his opinion, the interests of the city require it; he shall keep his office in the city and hear and determine all cases of violations of the charter, by-laws and ordinances of the city; and punish the offender in such manner as the board may direct, and a conviction or acquittal by the mayor shall be a bar to a prosecution for the same offense in any other Court in this State: Provided, The mayor shall have power to bind over to the Criminal or Circuit Court of Jefferson county parties charged with a felony under the laws of the State of Alabama. From any judgment or decision of said mayor, an appeal may be taken by the defendant to the Circuit Court of Jefferson county, or Court of like jurisdiction, the defendant entering into a bond, with two or more good and sufficient sureties, payable to the town of Pratt City, in such sum as the mayor may prescribe and to be approved by the mayor to appear at the present term of said Court if the same is in session otherwise at the next term of said Court, to which appeal is taken, and from day to day and term to term thereafter until discharged by law, and to abide by and perform whatever sentence may be adjudged against him, and such cause shall be placed on the criminal docket and the city attorney shall prosecute such cases: Provided, That said appeal be taken and fully perfected within five days from the rendition of such judgment by the mayor, and the cause shall be tried de novo, and it shall be the duty of the Court to speed the trial thereof. The mayor shall have jurisdiction of all proceedings by motion, scire facias, or other writs instituted for the collection for any bond or fund payable to Pratt City, taken under this act or under ordinance of the city, passed in pursuance of this act, and from his judgment rendered in such proceedings, execution thereon may issue, and be enforced as execution from the Court of a justice of the peace. He shall have the

rights, when the good and safety of the city shall require it, to demand the services of the sheriff of Jefferson county for its defense; he may punish for any contempt while holding his Court or during a session of the board by a fine not exceeding ten dollars and by imprisonment not exceeding one day, one or both; he shall have the power to suspend the chief of police or any policemen until the next regular meeting of the board and shall report to such meeting the fact of such suspension and the cause thereof; he may compel the attendance of witnesses in his Court by fine not exceeding twenty-five dollars, to be enforced as other fines are enforced; if they fail to appear and testify, after having been summoned to so appear. And he shall do and perform all such other duties as the board may require.

Sec. 19. Be it further enacted, That the board Clerk shall elect a city clerk, whose duties it shall be to take charge of the city records; he shall keep a docket of all cases instituted before the mayor, and noting and endorsing the orders, judgments, etc., therein, together with the dates of the issuance and delivery of the original and final process, the delivery and the return thereon, or the substance thereof, and shall keep a minute or record of the orders, judgments, etc., and shall index the same. And said dockets, records, and indexes shall be open for public inspection under such rules as the board may prescribe. He shall attend all the meetings of the mayor and board of aldermen, and keep a full and complete record of all the proceedings, orders, regulations and ordinances of the board, which shall be read to the board, at the ensuing meeting, and the same, after correction, shall be signed by the mayor, or by the acting mayor, and the same shall be of the force and effect of a record, and a copy thereof certified by the clerk, shall be prima facie evidence in any Court of record or elsewhere, and said records shall at all times be open to public inspection. He shall perform other duties as may be required of him.

Officers

Sec. 20. Be it further enacted, That the board shall appoint a treasurer, tax collector, tax assessor, chief of police, city attorney, city auditor, and such other officers as they see fit and think necessary for the good government of the city, and shall prescribe the duties of such officers, and their liabilities, powers, and pay, but no member of the board shall be appointed to any office except treasurer. Before entering on their duties, the mayor, chief of police, tax collector, treasurer and clerk, shall give bond, with two or more sufficient sureties, and such bonds shall be approved by the mayor, except the mayor's bond, which shall be approved by the board. The bonds of all the officers except the clerk shall be filed with the clerk and the clerk's bond shall be filed with the treasurer. The board may, for sufficient cause, remove such officers, the mayor excepted. The officers herein provided for shall be appointed at the first regular meeting of the newly elected board, or as soon thereafter as practicable.

City
Attorney

Sec. 21. Be it further enacted, That it shall be the duty of the city attorney to represent the city in all cases, criminal and civil, which may arise in the Mayor's Court, or, in the Circuit Court on appeals, to advise the city officials in the discharge of their duties, when requested by the mayor in writing, to advise the board at its meetings where he shall be at all times, to draw up all ordinances submitted to him for such by the board of mayor and aldermen. He shall receive such pay as the board may deem reasonable.

Reports

Sec. 22. Be it further enacted, That it shall be the duty of each of the officers of the city and of each of the standing committees appointed, to report, to the mayor in writing, at least fifteen days before the first regular meeting in March of the board of mayor and aldermen, of each year, what they have done, and to suggest to the mayor recommendations for the good of the city for the coming year, and it shall be the duty of the mayor to report to the board, in writing, at its first regular meeting in March in each year, which report shall contain suggestions and recommendations

for the good of the city and shall have attached to the same the said reports of the other officers and committees.

Sec. 23. Be it further enacted, That the chief Chief of
Police of police shall have in the said city and its police jurisdiction all the powers of a constable, he shall possess in said city and its police jurisdiction all the powers of a peace officer; he shall execute all orders, processes, and notices of the board and of mayor, and may arrest without warrant for all violations of the city ordinances, and he shall perform all such other and further duties as the board may prescribe. He shall keep a detailed account of all moneys collected by him, he shall collect all fines, penalties or forfeitures imposed by the mayor or acting mayor, and shall pay them over to the treasurer on the day the same are collected; and he shall collect all moneys paid in lieu of working the streets, and a non-payment of any moneys collected by him shall be a sufficient cause for his removal. He shall make a monthly report to the board in writing of all money collected by him and upon what account and show by said report what fines, forfeitures or penalties remain unpaid, and how the same are secured.

Sec. 24. Be it further enacted, That the mayor Powers and aldermen shall have full power and authority:

1. To make and adopt by-laws and ordinances, in whatever measure and upon whatever subjects to carry out the powers herein granted, and for the good government and order of the city and the police jurisdiction thereof, as they may think proper; and generally and in addition to the powers herein mentioned, and specifically enumerated, which are no limitations upon the powers included in this general grant of powers, to obtain and pass all by-laws and ordinances not inconsistent with the laws of this State as shall be needful for the government, police interest, welfare and good order of the city and its police jurisdiction, and to affix thereto such penalties for the violation of such by fine not exceeding one hundred dollars or hard labor for the city, not exceed-

Powers

ing ninety days, one or both, at the discretion of the officer trying the same; and all persons convicted of any breach of the by-laws or ordinances of the city failing to pay the same or secure such fine and costs may be imprisoned for such failure, or placed at hard labor for the city until such fine and costs are paid, in such manner as the board may direct, not exceeding ninety days: Provided, That any person may have a right to give a stay bond, with two good and sufficient sureties, to be approved by the mayor, to pay such fine and costs within sixty days from the judgment imposing the same; but if, after such bond and security are given, such fine and costs be not paid within sixty days, execution may be issued against the obligors on such bond. The board may pass laws that are needful to compel persons to work on the streets and alleys in said city, or elsewhere in said city, who refuse to work when under the mayor's sentence for violation of any city ordinance or by law; but no female must be punished by subjecting her to work on the streets. 2. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said city and to preserve the health thereof; to establish and regulate quarantine in said city and within three miles thereof; and to punish any breach of the quarantine law. 3. To prevent and remove all nuisances at the expense of the owner of the property, or when the same is in possession of another than the owner, then at the expense of the person in possession of the premises; to remove all decayed or dilapidated walls, houses or structures calculated to produce disease, or dangerous or unfit for habitation, or dangerous to the public, at the expense of the owner of the same, when the owner fails or refuses for five days after notice shall have been given him, in writing, by the mayor, to remove, or repair such walls, houses or structures, as the case may be. 4. To establish, set up and regulate hospitals, work houses and houses of correction. 5. To license, tax and regulate or restrain theatrical or other amusements; to li-

cense, tax and regulate the selling, retailing of spirituous, vinous, or malt liquors or intoxicating bitters or beverages, and to provide for revoking or annulling such license, good causes being shown; to close up wholesale or retail liquor establishments for such time as they may deem necessary. 6. To restrain or prohibit gambling houses, gambling, houses of ill fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize fighting, cock fighting, disorderly houses and any thing else hurtful to the good order, safety, or morals of society. And all misdemeanors, whether under the common laws or by statutes recognized as such by the State of Alabama; and all gambling implements or devices of any kind shall be subject to seizure and forfeiture under such rules and regulations as the board may prescribe, when such implements or devices are brought within the corporate limits or police jurisdiction of the City of Pratt City, or made, or found, or kept in said city or the police jurisdiction thereof, to be used for gaming purposes. 7. To appoint and regulate day and night watchmen, police, patrol and captain thereof. 8. To establish and control markets, market houses, and pass by-laws for the sale of meats, vegetables and other like articles within certain places and within certain hours. 9. To sink and keep in repair public wells, to erect and repair pumps, and hydrants and to construct, own and manage and operate water works for the purpose of furnishing water for the city and its inhabitants or for persons or corporations within the police jurisdiction, and shall have the right to prescribe and collect such sum as water rent as may be contracted for between the city and water consumer. 10. To build, purchase, own and operate an electric light or gas plant for the city and for the inhabitants thereof, or for persons or corporations within the police jurisdiction, and to receive pay for the use thereof. 11. To open all streets and alleys as are laid out, designated or dedicated heretofore or hereafter in the said city, and to locate and open streets and

Powers

Powers

alleys in any addition to said city where the same have not been laid out, designated, or dedicated, in the exercise of its rights of eminent domain, which is hereby granted; to repair, improve, extend, grade, gravel, macadamize, pave, widen, change or otherwise alter or improve said streets, alleys or avenues of said city and to discontinue streets, avenues and alleys when expedient; to improve, alter, change, grade, pave, gravel and enlarge the sidewalks of the city, and to provide for the payment of the expenses thereof in a manner not inconsistent with this act; to require the owners and occupants of houses and lots to keep clean and repair the pavements in front or along the sides of their premises. 12. To establish and build bridges, drains, sewers, aqueducts and reservoirs and to regulate the same. The board exercising its rights of eminent domain, may extend their drain and sewers beyond the limits of said city whenever it is necessary. 13. To establish and lay out and regulate public parks. 14. To locate, establish or change the fire limits within said city and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden building or structures, paying the owner a reasonable price therefor; to require owners of theatres, opera houses and all other houses where the public assemble in mass to provide such houses with fire escapes and suitable exits. 15. To compel all male citizens of said city between the ages of eighteen and forty-five years to work on the streets of said city not more than six days in each year, or in lieu thereof to pay not more than three dollars as street tax, per annum, and to pass all laws necessary to carry this provision in effect; and the citizens of Pratt City are hereby exempt from public road duty. 16. To lay out, regulate and control city cemeteries or burial grounds and to sell lots in the same. 17. To prevent the running at large on the streets of all dogs, cows, hogs, horses, or other animals and to pass all laws as in the judgment of the board may be necessary for the properly carrying out of this power and in

default of redemption by the owner or his agent to sell or kill the same. 18. To regulate and control the running of trains, cars or engines along or across the streets of the city, and to regulate the speed thereof within the city limits. 19. To pass all necessary and proper laws for the arrest with or without warrant, of all offenders against the city ordinances or against the State law; and confine such persons until tried, convicted or discharged by law. 20. To pass all laws and ordinances in relation to auctioneers plying their vocation on the streets and to prohibit or regulate the same. 21. To regulate the business of pawnbrokers. 22. To pass all such ordinances as may be required concerning tramps, idlers, vagrants, paupers, prostitutes, gamblers or disorderly or vicious persons or fakirs in correcting or restraining their vicious or immoral habits. 23. To punish all persons who obstruct the chief of police or other policemen or other officers in the arrest of any person in said city, or in the lawful discharge of any duty in said city, and to punish all persons, who, when called upon to aid in arresting any person, fail or refuse to give such aid. 25. To prohibit and prevent the erection of wooden buildings or structures within the fire limits; said board may establish necessary inspection, fix and regulate the size of bread, and provide for the weighing and measuring of all kinds of produce for man and beast, and condemn and prevent the sale of and regulate all unwholesome or diseased food; to regulate and control the manner of building partition walls and fences, and regulate and control the storage of gun or blasting powder, dynamite, nitro-glycerine, or other dangerous explosives, the storage of guano, or other goods, having offensive odors; to regulate and control the use of lights, stove-pipes, flues, and chimneys in all shops, stores, kitchens, and dwellings, and other places; to cause to be pulled down or removed any house or houses to prevent the spreading of fire, and to extinguish the same. 26. To require owners of property to keep sidewalks in front or along such property in repair, at his own expense,

Powers

Powers

and to prescribe the kind of pavement to be laid on said sidewalks, and to compel the laying of the kind of pavement at the expense of the owner of such property. When the owner of such property fails or refuses, after ten days written notice, to lay the prescribed sidewalk, the city may proceed to lay the same, and tax the costs thereof against the owner of such property, which shall be a lien on such property and may be collected in the same manner and at the same time as other taxes are collected. 27. To enact all laws necessary for the complete sanitation of the city, and to this end may enact ordinances, and provide for the punishment of the violations thereof, regulating water closets, stables, hog pens, drainings from sinks, and bath houses and drainage from lots and their connection with the sewers of the city. 28. To grant the right of way along, across, over or through the streets, avenues and alleys of said city, for the purpose of street, or other railroads, telephone, telegraph, electric lights, or for laying pipes of gas and water works. 28½. To have in the corporate limits, or within the police jurisdiction of the city, and to exercise the same, full police powers; to prevent crime, arrest offenders, and protect the rights of persons and property; to preserve the public peace, and for this purpose summon a posse comitatus. 29. To punish injuries to sidewalks and trees and to public or private property. 30. To license and regulate auctioneers, bankers, butchers, coffee houses, confectioners, grocers, lawyers, merchants, peddlers, physicians, dentists, taverns, boarding houses, hotel, livery stable keepers, retail dealers in spirituous, vinous or malt liquors, or of malt liquors alone, and all other privileges carried on within the corporate limits of said city, or within the police jurisdiction thereof; and also to license, tax and regulate machinery, carriages, carts, omnibuses, wagons, drays, bicycles, and all other vehicles within the corporate limits or the police jurisdiction thereof: Provided, That no license tax shall be exacted from any mechanic who employs no capital, but conducts his business by his own

skill, and without the aid of employes. 31. To collect a poll tax from each male resident of the city, not more than one dollar and fifty cents, (\$1.50) to be used exclusively for the public schools. 32. To compel persons or corporations owning or operating railroads or dummy or electric roads in the city to light their tracks in such manner and at such points as may be necessary for the convenience and safety of the city. 33. To license, tax, regulate, or prohibit any trade, profession or occupation when not in conflict with the Constitution of the State of Alabama. 34. To pass all necessary ordinances providing penalties and punishment, as they may deem advisable, for the doing of any business or the carrying on of any trade, or exceeding any privileges, or practicing any profession by any party who shall fail to take out such license as may be required by the corporate authorities: Provided, That no license shall be required of any person selling country produce, fowls, stock or meats of any kind, grown or raised by such person.

Sec. 25. Be it further enacted, That all ordinances shall be read twice in full before the board of aldermen, and after the passage of said ordinances shall be signed by the mayor, and shall go into effect three days after publication in some newspaper published in the city or by posting in three or more public places in the city. Ordinances ?

Sec. 26. Be it further enacted, That the license for retailers in spirituous, vinous and malt liquors shall not be less than five hundred nor more than one thousand dollars. License,

Sec. 27. Be it further enacted, That the board shall provide for all such statistics, as may be required, both industrial and mortuary, as they may deem fit in the taking of said causes. Statistics;

Sec. 28. Be it further enacted, That the corporate authorities of said town shall have the power to condemn private property for the use of the streets, avenues and alleys of said town; that whenever the corporate authorities shall deem it necessary to obtain any private property for the purpose expressed above, the board of mayor and Right to
condemn

- aldermen, and the owner of the property cannot agree upon the terms or value respecting the same, such property may be condemned to the use of said city for such purpose in the same manner provided by the general laws of this State for condemning private property to public use.
- Privilege tax Sec. 29. Be it further enacted, That the board may levy a special privilege tax to merchants, in lieu of a license tax, in a sum not exceeding one-half of one percent on the average of stock of goods carried in the preceding year.
- Statements Sec. 30. Be it further enacted, That the treasurer of said city shall at the meeting of the board in July and December, publish in some newspaper published in said city, or by posting at the post-office in said city, a full and detailed statement of the financial condition of said city, giving all receipts and disbursements item by item.
- Penalty Sec. 31. Be it further enacted, That the treasurer failing to comply with the foregoing ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars.
- Prisoners Sec. 32. Be it further enacted, That whenever any person is in custody of the city authorities, whether before or after conviction of a city ordinance, and is held for such by said city, and said prisoner is charged with violation of a State law, such prisoner shall be held by said city authorities until the execution of said sentence, and shall then be turned over to the sheriff of Jefferson county, except in cases where the defendant is charged with a felony, then he shall be delivered to the sheriff of said county on demand.
- Unlawful Sec. 33. Be it further enacted, That it shall be unlawful for any city officer, whether by himself or agent, to purchase, deal in, or traffic in any manner in a claim, debt, warrant for the payment of money or script due from the city, or have any interest in any contract let out by the city; and any city officer found so dealing, or having such interest, shall be guilty of a misdemeanor, and on conviction shall be fined not less than twenty-five nor more than one hundred dollars, and may be tried

before any justice of the peace or magistrate of like jurisdiction in Precinct 29 of Jefferson county, Alabama; but nothing in this section shall prevent an officer from selling the claims he may acquire directly from the city, or from receiving in good faith, any claims in payment of a debt due him, or from purchasing in good faith so much of said claims as may be necessary to pay his taxes or licenses for the current year.

Sec. 34. Be it further enacted, That the mayor Tie shall have the power to vote on any question only in the event of a tie between the aldermen.

Sec. 35. Be it further enacted, That the mayor Veto may veto any ordinance passed by the board of aldermen. He shall state his reasons therefor. The board of aldermen shall then take another vote thereon, and if two-thirds of the board of aldermen present vote in favor of the ordinance, the same shall be as effective, as if the same was not vetoed, otherwise the same shall be lost.

Sec. 36. Be it further enacted, That the mayor Sale of liquor and board of aldermen may determine and designate the location where spirituous, vinous or malt liquors may be sold within the corporate limits of the town.

Sec. 37. Be it further enacted, That the mayor Power and board of aldermen shall have power to compel all railroads, dummy lines, electric car or street car lines to open any streets, they may obstruct, by running along or across the same, by appropriate ordinances and may bring action of trespass for violation of said ordinances against the management of the same, in any Court of competent jurisdiction in this county.

Sec. 38. Be it further enacted, That the mayor Poll tax and aldermen shall cause to be assessed against all male residents of the town between the ages of 21 and 45 years, inclusive, a poll tax not exceeding \$1.50. The assessed poll tax shall be kept in a separate book from the personal and real property tax. Such poll tax shall be assessed against all such persons coming into the town at any time prior to the 1st day of August of the year of assessment, or against such persons liable for poll

Poll tax

tax at any place in this State, coming into the city at any time prior to the closing of the tax collectors books, and a receipt for poll tax from the city tax collector shall exempt him from the payment of poll tax for the current year for which such receipt was given, at any other place in the State. All poll tax shall become due on the first day of November, and will become delinquent after the 31st day of December of each year. On or before the 31st day of December of each year, the tax collector shall make a list of all defaulters, and certify the same to the mayor, who shall proceed forthwith to issue a writ of garnishment to any person or corporation, who is indebted to or supposed to be indebted to the defaulter, requiring the garnishee to appear at certain time and place to answer his indebtedness to the defaulter, and conduct all proceedings in like manner as garnishment proceedings are had under the general laws of the State of Alabama. There shall be no exemptions of personal property under these proceedings. For services under this section the cost bill shall be: For services of mayor, 50c; marshal for serving writ, 25c; collector's fee, 50c; for garnishee's answer, 25c. The above fees shall be taxed as costs against the defaulter and collected with the delinquent tax, but in no event shall the city be liable for any costs or damages where no recovery is had. The tax collector shall make weekly settlements of his poll tax collections with the city treasurer, and the treasurer shall keep said poll tax separate from any other moneys and the same is to be used exclusively for the public schools in said city. The tax assessor of Jefferson county shall not assess, nor the tax collector of Jefferson county collect any poll tax from any resident of the corporate limits of Pratt City. If by any chance the tax collector of Jefferson county should collect any poll tax due the town of Pratt City, he shall pay the same, together with all fees and costs, to the tax collector of Pratt City on demand.

Sec. 39. Be it further enacted, That all taxes levied and assessed in and for this city, shall become due and payable on the 1st day of November each year, and shall become delinquent after the 31st day of December of each year, and shall bear interest at the rate of eight per cent per annum, until paid. Thirty days after the same have become delinquent, the payment may be enforced by levy and sale as hereinafter specified. It is the duty of the tax collector to post at the postoffice door in the city a large poster on or about the 1st day of September of each year, or by publication in some newspaper published in Pratt City, which poster and notice in the newspaper shall conform in substance to the following: "The tax payers of Pratt City are hereby notified that the city taxes will become due on the 1st day of November, and will become delinquent on the 1st day of January, thirty days after which last named date, I shall proceed to levy and sell sufficient property of delinquents to satisfy taxes and costs, together with 8 per cent per annum, unless before said last named date said taxes are paid to me at my office in Pratt City, my office being at _____, in Pratt City. Witness this day _____. Signed, _____ tax collector for Pratt City." If said taxes are not paid on or before the expiration of thirty days from the 31st day of December of each year, then the said tax collector shall proceed to make a levy on sufficient property subject to said tax to pay said taxes assessed against the same with 8 per cent. interest from December 31st. and sell the same to pay said tax fees and costs in the manner hereinafter provided.

Taxes

Sec. 40. Be it further enacted, That the mayor and aldermen shall have full power and authority to levy and collect taxes on all real and personal property in Pratt City, which is now or may hereafter be taxed by the State of Alabama. The said tax upon real and personal property shall be laid in accordance with the assessment and valuation of said real and personal property assessed for State taxation the preceding year, said

Collection

Collection tax to be laid and assessed in the following manner, to-wit: The city tax assessor or other officer performing the duties thereof, must on or before the first Monday in July, in each year, or as soon thereafter as possible, make and enter into a book suitably ruled and substantially bound, a full and complete assessment and valuation to be taken from the assessment book of the tax assessor of Jefferson county, for the preceding year, showing and containing all the property as well as the owners thereof, subject to taxation in Pratt City, as shown by the assessment book of Jefferson county, and he shall further enter any property with the name of the owner thereof, if such name be known, or if the name of such owner is unknown, then the said assessment shall be made on the property to "owner unknown," and he shall furnish a list of such escaped assessment to the tax assessor of Jefferson county, forthwith, which book, when completed, shall be turned over to the clerk of said town, on or before the first Monday in July, or as soon thereafter as possible. The mayor and aldermen shall then levy a tax by a resolution entered upon the minutes of the proceedings of such mayor and aldermen. As soon as said book of assessments is examined by the said mayor and aldermen, and if by them found correct, then the mayor or presiding officer thereof shall endorse at the conclusion of the assessment lists the following: "Examined and approved by the mayor and aldermen this _____ day of _____, 18—. _____, mayor or presiding officer." Said book shall then be returned at once to the city tax assessor by the clerk, with a copy of the resolution levying the tax, and the tax assessor shall proceed at once to place on said book of assessment the amount of the personal property tax, the amount of the real property tax, and the total amount of the two and shall deliver at once the said book to the clerk, who shall proceed to make an alphabetical list of the persons against whom said assessment is made, and place opposite his or her name the

said total amount of tax payable by said taxpayer and having completed this book, the said clerk shall, at the first meeting of the mayor and aldermen in September or at any special meeting of the mayor and aldermen during that month return both said books for their inspection. The board shall at said meeting inspect the said books and if found correct, the mayor or presiding officer shall endorse at the end of the list: "Examined and approved this _____ day of _____, 18—, _____, Mayor or Presiding Officer." The clerk shall at once turn the list containing the totals of taxes, as aforementioned, to the tax collector on or before the first day of November, in each year, and the said collector shall post a notice at the postoffice doors and at the door of his office, notifying tax payers that he has said tax book, and that it is open for inspection, and that he is ready to receive taxes. The book of assessments the city clerk shall keep for the inspection of any and all tax payers or officers of Pratt City.

Sec. 40½. Be it further enacted, That the taxes levied under this act shall have the force and effect of a recorded judgment at law against the person assessed therewith, and for said taxes so levied and all other taxes authorized by this act, the Town of Pratt City shall have a preferred lien over all encumbrances, and securities whatsoever, except county and State taxes, and all taxes against the property of any person under this act, or for which such a person may become liable for the current year, shall be a lien upon the real and personal property of such person within Pratt City from the 1st day of January preceding the 1st day of November of each year, or if brought therein after that time, the lien shall attach from the time it was brought into Pratt City. Lien.

Sec. 41. Be it further enacted, That the tax collector shall make monthly settlement with the city treasurer, and shall pay over to him the taxes he has collected, poll tax excepted, to the time of his settlement, and take his receipt therefor. Said collector shall make his final report to said treas- Tax collector

urer on or before the first Monday in March of each year, in default of which the treasurer shall make a written report to the mayor, stating the amount in which said collector is in arrears, and the mayor shall then report the same to the mayor and aldermen at the next meeting, and shall give notice to the collector to appear at that time before the board and show cause why he has not collected said taxes; and if his excuse be accepted by the board, they may excuse; if not acceptable, then he and his bondsmen shall be liable for the amount not so collected, and his bond shall be forfeited thereby.

Levy and sale Sec. 42. Be it further enacted, That all taxes laid under this act which have not been paid on December 31st in each year, as required by this act, shall be in arrears and delinquent from that date, and shall bear interest at the rate of 8 per cent. per annum from the said December 31st. Thirty days thereafter the tax collector must levy upon and seize any personal property, if there be any, and if there be none, or not sufficient personal property, then he may levy upon the real property of such delinquent tax payer: Provided, That a failure to levy on and sell personal property for taxes shall not vitiate the sale of real estate of such delinquent tax payer for taxes, interest, fees and costs of sale, and no personal property sold for taxes, interest, fees and costs shall be subject to redemption, and no property, real or personal, shall be exempt from levy and sale for the payment of taxes, fees and costs and charges lawfully incurred in their assessment and collection. When personal property is so levied on, the same may be sold by the tax collector after he shall have given notice at least three days before the sale by posting notice of time and place of sale, describing the property to be sold, at the door of the postoffice in Pratt City. All sales of property for taxes shall be held in front of the city hall of Pratt City, between the hours of 10 A. M. and 4 P. M.

Sec. 43. Be it further enacted, That if the city tax collector shall have any complaint made to him that the amount of tax laid is incorrect, he shall immediately go to the book of assessments, and if from that or evidence adduced, he becomes satisfied that there is a mistake, he shall correct the same, and collect the amount which is actually due, and note the change on his book, and also on the receipt which he is hereby required to give to the one paying said tax, and shall report the same to the city treasurer, when making his next settlement with said treasurer, in writing, who shall report the same to the mayor and aldermen in his said treasurer's final report to them for the last fiscal year, which said corrections the mayor and aldermen shall examine and allow the same to the tax collector, if there was a mistake. And the act of the said collector in correcting said mistake shall be prima facie evidence that it was a mistake, and shall be allowed to the collector, unless he was plainly and palpably wrong in making such correction. If the collector refuses to make correction of a mistake, which is claimed by tax payer, said tax payer shall pay the whole amount to the collector, and by application in writing appeal to the mayor and aldermen at its next meeting to have the overcharge claimed paid to him, if from the evidence a mistake is shown.

Objections

Sec. 44. Be it further enacted, That whenever the city tax collector shall discover that any person or property liable to city taxation has escaped any such taxation for that or any preceding year, not to extend back further than three years, he shall assess the same himself and collect the proper amount of taxes, as laid thereon, for the years which taxation has escaped, and report the same to the city clerk, who shall keep a supplemental list of and enter the said escaped taxes as escaped, and the tax collector shall enter the whole amount so collected on his collector's book furnished him by the clerk, as supplemental.

Escaped taxes

Sec. 45. Be it further enacted, That the failure of the collector to seize and sell personal property for the payment of taxes in default shall not be

Tax sales

a defense or ground of objection to the sale or real estate for taxes, in default or in arrear. The mayor and aldermen are authorized, by ordinance, to adopt the procedure for the sale of real estate for the collection of taxes, as set forth in Article X, Chapter 110, Code of Alabama, 1896, and jurisdiction to that end is hereby conferred upon the probate judge of Jefferson county, State of Alabama, to hear and determine and enter any decrees of sale for the amount of taxes due, with the costs and charges thereupon. The purchaser of land at such sale shall receive a deed therefor, executed by the tax collector of the corporation of Pratt City, conveying all the estate the tax payer has therein at the date of the assessment of the land for taxation. By virtue of the deed so executed, the purchaser may sue for at law and recover possession of the real estate thereby conveyed, with the rents thereof, from the date of the execution of the deed. In all suits brought under this act for the possession of real estate, the decree of the probate judge ordering the land to be sold, and the deed therefor executed by the said tax collector, shall be prima facie evidence of the right of the purchaser, or those claiming under him, to recover the real estate sold. If the land is in possession of a tenant, notice to him by the purchaser or his vendee of the purchase, after the lapse of ten days from the time of the sale, that he is the purchaser, and that the land has been redeemed, vests the right to the possession in him in the same manner as if such tenant had attorned to him.

Right to
redeem

Sec. 46. Be it further enacted, That any real estate sold pursuant to the provisions of this act, may be redeemed within two years from the date of the execution of the deed, by the owner or person interested in the same paying or tendering to the purchaser, or his vendee, the amount of the purchase money, with interest at the rate of ten per cent. per annum, all taxes, State, county and municipal, paid by the purchaser, the value of the improvements erected thereon necessary to keep the property in repair and to make it productive,

by the purchaser, such value to be ascertained as now provided by the laws of the State of Alabama, and all lawful charges thereon. When the vendee does not reside in Pratt City, the owner, or any one interested therein, may redeem the same by making payment as aforesaid into the treasury of Pratt City for the person entitled thereto who shall be promptly notified thereof by the treasurer. When possession has been delivered to the purchaser by the tax payer, if the land is not restored to him upon compliance with the foregoing provisions, he may recover possession of the same by an action of unlawful detainer before justice of the peace, or an action of ejectment. The municipality of Pratt City is authorized and empowered to purchase property sold at tax sale, which sell for no more than amount of taxes due, and costs and charges, receiving therefor the deed of the tax collector, and is entitled to the same remedies as other purchasers for the possession of the same. The mayor and aldermen may let or use unoccupied real estate of minors, non-residents, unknown owners, or persons non compos mentis, until the taxes due on such property shall be paid by the rent or use thereof.

Sec. 47. Be it further enacted, That 70 per cent. of all license tax collected from every firm, corporation, person for carrying on any business, trade, occupation, or profession, shall be devoted to the public schools of the district of Pratt City, and the clerk or other party authorized by the mayor and aldermen to collect such license shall pay the 70 per cent. herein provided for to the treasurer of the school board, and the treasurer's receipt for the same shall be a full discharge to the party paying the same for such 70 per cent. so collected by him. For schools

Sec. 48. Be it further enacted. That this act is declared to be a public act, and may be read in evidence in all Courts of law and equity; and all ordinances, resolutions and proceedings of the city may be provided by the seal of the corporation, at tested by the town clerk, and when printed, pur- Public act

ported to be published by authority of the corporation, the same shall be received in evidence in all Courts and places without further proof.

Present
officers

Sec. 49. Be it further enacted, That the present municipal government is continued in force until the officers elected as provided by this act have qualified, as herein required; and, provided further, that the next election for mayor and aldermen shall be held according to laws and ordinances now in force in the town of Pratt City, and all laws and ordinances now in force shall continue in force until modified by the mayor and aldermen of Pratt City.

Construction

Sec. 50. Be it further enacted, That all provisions of this act shall be liberally construed to enable the mayor and aldermen to carry into effect all the powers conferred hereby; be it further provided, that all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Repeal

Approved February 23d, 1899.

No. 854)

AN ACT

(S. 393

To vacate and abolish certain parts of Highland, Vine and North Boundary streets in the Town of Montevallo, and to invest the title to such vacated parts of said streets in the board of trustees of the Alabama Industrial School for White Girls.

Vacated and
abolished

Section 1. Be it enacted by the General Assembly of Alabama, That that part of Highland street in the town of Montevallo extending from its intersection with Middle street to its intersection with North Boundary street, and that part of Vine street in the town of Montevallo which extends north of Oak street, and that part of North Boundary street which extends north of King street in the town of Montevallo, be and the same are hereby annulled, vacated and abolished as streets or public highways.

Sec. 2. Be it further enacted, That the title to said abolished portions of said streets shall be and the same hereby is divested out of the State of Alabama and invested in the board of trustees of the Alabama Industrial School for White Girls. Titles

Approved February 23d, 1899.

No. 855)

AN ACT

(S. 336

To authorize the clerk of the Circuit Court of Franklin County to index the books in his office.

Section 1. Be it enacted by the General Assembly of Alabama, That the clerk of the Circuit Court of Franklin county be and he is hereby authorized to index all the books in his office not indexed by his predecessor. That he shall make a direct and reverse index to said records. Index

Sec. 2. Be it further enacted, That for indexing said records said clerk shall be entitled to a reasonable compensation, to be fixed by the Commissioners Court of Franklin county, to be paid out of any moneys in the county treasury of said county not otherwise appropriated. Compensation

Approved February 23d, 1899.

No. 856)

AN ACT

(S. 282

To authorize certain officers in the County of Jefferson in the State of Alabama, to use, in their discretion, typewriters in making records in their offices.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act all probate judges, circuit clerks, registers in chancery and City Court clerks and clerks of all other Courts of record in Jefferson county, be and they are hereby authorized to use in their discretion, typewriters in making all records required by law to be made and kept in their respective offices. Authority

Approved February 23d, 1899.

No. 860)

AN ACT

(S. 292

To declare Sipsey and Mulberry rivers navigable streams within certain limits, and to prohibit the obstruction of the same.

Navigable	Section 1. Be it enacted by the General Assembly of Alabama, That the Sipsey river from Fords Ferry, near the line of Walker and Winston counties, to the fork of Sipsey and Mulberry rivers, and that the Mulberry river from Hampys Mill to said fork be declared navigable streams.
Obstructions	Sec. 2. Be it further enacted, That it shall be unlawful for any person or persons to erect or build any dam across said rivers within the above described limits or obstruct the same in any way so as to prevent or impede the passage of boats, batteans, canoes, flat-boats, rafts or barges from navigating said streams.
Removal of	Sec. 3. Be it further enacted, That any person or persons who have heretofore so obstructed said streams within the limits as described within this act, shall be required to remove said obstruction within sixty days after the passage of this act.
Penalty	Sec. 4. Be it further enacted, That any person or persons violating the provisions of this act or who shall fail to remove any obstruction, as provided for by Section 3 of this act, within sixty days after the passage of the same, shall be guilty of a misdemeanor, and on conviction, shall be fined not less than fifty dollars nor more than five hundred dollars, and may be imprisoned in the county jail for not more than three months, at the discretion of the Court trying the same.
Penalty	Sec. 5. Be it further enacted, That any person tried or convicted for failing or refusing to remove obstructions in the said river, as provided for in Section 3 of this act, and who shall allow the said obstruction to still remain for a period of ten days after his trial or conviction, may be tried and convicted anew for every ten days that the said obstruction remain with the same penalties as provided for in Section 4 of this act.

Approved February 23, 1899.

No. 861)

AN ACT

(S. 382)

To abolish the charter of the Town of Rosedale Park, in Jefferson County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the charter establishing and declaring the incorporation of the town of Rosedale Park, in Jefferson county, Alabama, heretofore procured before the judge of probate of Jefferson county, Alabama, under the general laws of Alabama, be and the same is hereby revoked, nullified and held for naught. Revoked

Approved February 23d. 1899.

No. 862)

AN ACT

(S. 296)

To amend an act entitled "An act to amend Sections 1, 5 and 11 of an act to incorporate the Bienville Water Supply Company," approved February 19th, 1883.

Section 1. Be it enacted by the General Assembly of Alabama, That the eleventh section of the charter or act of incorporation of the Bienville Water Supply Company, as the same appears in the third section of an act entitled "An act to amend Sections 1, 5, and 11 of an act to incorporate the Bienville Water Supply Company," approved February 19th, 1883, and which amendatory act was approved February 14th, 1885, (Acts of Alabama, 1884-85, pages 489-91, be amended so as to read as follows: "Sec. 3. That said corporation shall have and enjoy the right of conducting and bringing water from any point, other than Three Mile creek in the County of Mobile for the supply of said port of Mobile and village of Whistler, for the period of twenty years from the time when said water shall have been brought within the limits Amendment

of the said port of Mobile, and be ready for distribution and supply to the inhabitants of the port of Mobile, and the houses and dwellings within the limits of said port. And till the municipal authorities of said port and village, if so by law authorized, shall purchase the water works and property of said corporation as hereinafter provided; but said corporation, within four years from the date of the passage of this act, must begin its work; and within six years from the date of the passage of this act, must cause water to be conducted into the port of Mobile, from some stream, point or place as hereinbefore named. In making contracts for labor and materials in the construction of the works by this act authorized, said corporation, by its directors, are hereby empowered to stipulate for payment in whole or in part, by the issue of shares of capital stock of said corporation to said contractors, but in no event shall the issue of certificates of capital stock exceed the amount of capital hereinbefore authorized.

Approved February 23d, 1899.

No. 863)

AN ACT

(S. 398

To incorporate Royal Collegiate Institute.

Incorporators	Section 1. Be it enacted by the General Assembly of Alabama, That B. C. Bynum, I. J. Lafon, A. D. Bynum, S. S. Thomas, and G. Mc. Bynum, and their successors in office, be and the same are hereby constituted a body corporate, to be known as "The Royal Collegiate Institute," and by such
Name	name shall have perpetual succession, may sue and be sued, plead and be impleaded as natural persons; may have, use, change a corporate seal, may acquire, receive, own and hold real and personal property, by gift, purchase, devise or bequest, to hold and use the same for the benefit of said Royal Collegiate Institute; said corporation may sell, lease or mortgage its real or personal
Rights	

property, stocks, bonds or choses in action, and may borrow or lend money: Provided, That in making conveyances of real estate the deeds shall be signed by the president and countersigned by the secretary of said corporation.

Sec. 2. Be it further enacted, That the persons named in the preceding section shall organize by the election of a president, a secretary and treasurer of said institute, and shall adopt such rules and by-laws for the government of the corporation not inconsistent with law, as they may deem proper. Rules

Sec. 3. Be it further enacted, That the purpose of said corporation shall be the establishment, organization and maintenance of an institution of learning of high grade for the education of the youth of both sexes in the arts, sciences and practical industries, to be located at Royal, in Blount county, Alabama; that to secure the necessary funds to carry out the purpose of this act, the said corporators are empowered to form a stock company, whose capital stock shall be \$10,000, divided into four hundred shares of twenty-five dollars each. Said corporators are authorized, when the sum of six thousand dollars shall have been subscribed in good faith by bona fide subscribers to the capital stock of said corporation, and as much as seventy-five per centum of the amount subscribed shall have been paid in cash or in lands or other property at its cash value, to cause said stock company to be regularly organized by the election of a board of directors, to consist of not less than three nor more than five members. It shall be the duty of said directors to organize by the election of a president, secretary and treasurer and such other officers and agents as they may deem necessary, and to make rules and regulations for the government of the board; said board shall have the management and control of said institution of learning. Purpose
Stock company

Sec. 4. Be it further enacted, That said board of directors shall have authority to elect a president and a sufficient number of professors and Faculty

- teachers for said institution; they shall fix the rate of tuition and other charges, and regulate the salaries of the president, professors and teachers, and prescribe the course of study.
- Certificates Sec. 5. Be it further enacted, That the said board of directors, in connection with the faculty of said school, shall have authority to grant certificates of proficiency to those students who have creditably completed the prescribed courses of study.
- Taxes Ex-empt from Sec. 6. Be it further enacted, That all property, real or personal, owned or held by said corporation for school purposes, shall be exempt from taxation, State, county and municipal.
- Public act Sec. 7. Be it further enacted, That this act shall be deemed a public act, and shall be judicially taken notice of without being especially pleaded.
- Approved February 23d, 1899.

No. 864)

AN ACT

(S. 429)

To authorize the Court of County Commissioners of Coffee County to issue bonds of said county to an amount not exceeding twenty-five thousand dollars, for the purpose of taking up, canceling and retiring the present outstanding indebtedness of said county.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That in order to procure the means to take up, pay off and retire the present indebtedness of said county, now due or to fall due, the Court of County Commissioners of said county are hereby authorized and empowered to issue bonds of said county in a sum not to exceed twenty-five thousand dollars, or as much thereof as they may deem necessary for the purpose aforesaid, and payable not less than five nor more than twenty years from the date of issuance, with coupons attached bearing interest at a rate not exceeding six per cent. per annum, payable annually on presen-

tation to the county treasurer of said county in lawful funds of the United States, or in gold coin of the United States, of the present weight and fineness.

Sec. 2. Be it further enacted, That the bonds authorized to be issued under this act shall not be valid until the same have been signed by the county treasurer and countersigned by the judge of probate of said county, and the seal of the county affixed thereto; and the county treasurer is required to keep a correct account of all bonds issued and disposed of under the provisions of this act, and shall publish same in some newspaper published in said county.

When valid

Sec. 3. Be it further enacted, That the Commissioners Court of said county are hereby authorized to do any and all things authorized under the provisions of this act which may be necessary to carry out the powers granted herein, through a commissioner, to be appointed by them, as the agent of said Court of County Commissioners, duly appointed for the purpose of negotiating or selling said bonds, if the same can be done to the advantage of the county as provided herein, and the said commissioner shall have all the powers and duties conferred by this act upon said Court of County Commissioners to sell or negotiate said bonds; and the acts and doings of said commissioner shall be as valid to all intents and purposes as if done by the said Court of County Commissioners, and no technical informalities, neglect or omission of said commissioner as the agent of said Court of County Commissioners, or in the proceedings or records of said Court shall in anywise vitiate or render void said bonds and coupons.

Authority of
commis-
sioners
court

Sec. 4. Be it further enacted. That in order to provide for the payment of said bonds, or to meet said interest coupons as fast as the same may fall due, the Court of County Commissioners are authorized to levy a special tax upon all the taxable property subject to taxes under the laws of this State: Provided, Such taxation shall not exceed fifty cents on the hundred dollars worth of property subject to taxation.

Special tax

Value

Sec. 5. Be it further enacted, That said bonds are not to be sold or negotiated for less than their face or par value.

When to be
destroyed

Sec. 6. Be it further enacted, That upon the payment of said bonds or coupons, as they fall due, the same shall be destroyed in the presence of the probate judge and county treasurer of said county, and such payment duly entered by the treasurer upon the registry book of said bonds.

Approved February 23d, 1899.

No. 866)

AN ACT

(S. 445)

To authorize Lawrence County to build macadamized or turnpike roads and to issue bonds of the county to aid in the construction thereof.

Roads

Section 1. Be it enacted by the General Assembly of Alabama, That Lawrence county, by and through its Court of Revenue, is hereby authorized to build and construct within the limits of said county, such macadamized or turnpike roads, as is in the judgment of said County Court of Revenue may be for the best interests of said county, and as speedily as practicable.

Routes

Sec. 2. Be it further enacted, That said macadamized or turnpike roads shall be constructed upon the beds and along the route of the public roads of said county as the same are now laid out, but the route and location of the said public roads, in the establishment of the line of said macadamized or turnpike roads to be changed and altered so as to secure the most feasible and cheapest route of travel for the best interest and convenience of said county, and suitable ground and roadbed, upon which to build said road. In making such change or alteration in the line of said road, said County Court of Revenue is authorized to make such reasonable compensation to the owner of the land, on which said new road is established as may be just and proper, and when said County Court of Revenue is unable to agree

with the owner of the land as to what compensation shall be made, "shall be referred to a board of arbitration, consisting of one male resident citizen of Lawrence county, to be selected by the owner of the land, and one male resident citizen of Lawrence county, to be selected by the Court of Revenue, and the two shall agree on a third male resident citizen of Lawrence county. And the award of said Court shall be binding on all parties, unless a notice of appeal to the Circuit Court is given twenty days from date of award, but nothing shall prevent the construction of pike or macadamized road over such land in controversy during the ascertainment of value of such land—to be paid the owner." Provided, That should the owner of the land taken as above stated, fail or refuse to select one of said arbitrators, that in such event the Court of Revenue shall appoint two of such board of arbitrators, who shall select the third; provided further, that if either party should appeal from the award of the arbitrators the party thus appealing shall give bond in such sum as the clerk of the Circuit Court may require with such security as may be approved by him, conditioned for the faithful payment of such costs as may be adjudged against him in the prosecution of said appeal.

Arbitration

Sec. 3. Be it further enacted, That the fixing of the width of said roads, and the depth and character of stone, concrete or other material used in their construction, shall rest in the discretion of said County Court of Revenue, having reference to the convenience and necessities of travel thereon: Provided, That said road shall be laid out not less than eighteen feet wide, and not less than twelve feet of which shall be bedded with stone, concrete or gravel, well compacted and of sufficient depth to secure a solid foundation; that said road shall be faced with gravel, concrete or broken stone, in such manner as to secure a firm and even surface, rising to the middle by a gradual arch, to be protected on the sides by ditches

Discretion

so constructed as to permit, wherever practicable, vehicles to pass on and turn off of the said roads; and said County Court of Revenue shall have the right to take, and use in the construction, building and maintaining said road, such quantities of stone, concrete and gravel and other material adjacent, near to and contiguous thereto, as may be necessary therefor, paying such reasonable compensation for such material as may be right and proper; and when said County Court of Revenue and the owner of such material are unable to agree upon the compensation therefor, the same to be fixed in the same manner as is now provided by law for the valuation of lands condemned to public use, in the opening of new and changing or altering of the old roads, and the use of material for public roads, and said County Court of Revenue shall have the right to construct and build said roads by letting out the same by contract, or by a system of day labor, or partly by both, as may seem most to the interest of said county; but it is expressly prohibited to said County Court of Revenue to make and contract for the building of said roads with any member of said Court, or any relation of any member of said Court or partner in business with such member thereof.

Bonds

Sec. 4. Be it further enacted, That the County Court of Revenue of Lawrence county are hereby authorized, empowered and directed to issue bonds of said county to the amount of two hundred thousand dollars (\$200,000), the proceeds of the sale of which shall be applied exclusively to the construction and building of said macadamized and turnpike roads: that said bonds shall be only issued and sold from time to time in sums of not less than ten thousand dollars (\$10,000), as the demands for payment of the construction and building of said roads may require; and the said County Court of Revenue of said county shall be intrusted with the duty of having designated and prepared the said bonds, and the sale of the same, but nothing in this act shall be construed to prevent said County Court of Revenue from con-

tracting at any one time for the sale of the whole
issue of the said bonds to be issued, sold and de- Bonds
livered, when it may be necessary to sell the same
for the construction of said roads; that said bonds
shall be two hundred in number for one thou-
sand dollars (\$1,000) each; said bonds shall be
numbered from one to two hundred consecutively;
those numbered from one to fifty consecutively
to be made payable at the expiration of thirty
years from their date; those numbered from fifty-
one to one hundred consecutively to be made pay-
able at the expiration of forty years from their
date, the interest to be not more than five (5) per
cent. per annum, to be paid semi-annually, and
evidenced by coupons attached to said bonds,
and said bonds to be made negotiable and paya-
ble, both principal and coupon, at some designated
bank or banking houses in the cities of Tuscaloosa
or Sheffield, or Decatur, Alabama, or in the City
of New York, in the State of New York; that said
bonds shall be sold and negotiated for the highest
price said Court of County Commissioners can
obtain therefor, not less than their face value;
said bonds to be signed by the judge of probate
of said County of Lawrence, and countersigned by
the treasurer of said county, with the seal of said
Probate Court attached, the coupons to be attached
to each bond to bear the number of the bond to
which they are attached, signed by the treasurer
of said county, and to be made payable at the
place designated for the payment of the principal
thereof. The proceeds of said bonds, as the same
are sold, shall be paid to the treasurer of said
county, to be kept by him as a separate fund,
called the "road fund," to be paid out as hereinafter
provided. Said county treasurer shall man-
age and make such reports of said fund as re-
quired of him by law of the general fund of the
county, but his accounts and reports of the road
fund shall be kept separate from the general
fund of the county.

Sec. 5. Be it further enacted, That it is here- Special Tax
by made the duty of the County Court of Revenue
of said County of Lawrence to levy and collect

such tax annually, as is now or may be hereafter authorized by the constitution of the State of Alabama, or so much thereof as may be necessary, upon the property of the said county as may be necessary to pay the interest and principal of said bonds provided by this act as the same falls due; and all taxes collected on such road levy be received and kept by the treasurer of said county as a separate fund, as above provided, and paid out in payment of the principal and interest of said bonds as provided for by this act, as the same falls due, for which the coupon and bonds so paid shall constitute the proper voucher of said treasurer; and whenever there is a surplus of such taxes in the hand of said treasurer not required for the payment of the interest and principal of said bonds, the same may be applied, on the order of said Court, in the repairs of said roads, or the purchase and cancellation of any of said bonds, whether the same have then matured or not.

Taxes ex-
empt from

Sec. 6. Be it further enacted, That the bonds issued under the provisions of this act shall be exempt from taxation by the County of Lawrence, or any municipal corporation now or hereafter organized in the said County of Lawrence.

Treasurer

Sec. 7. Be it further enacted, That before any of the money arising from the proceeds of the sale of said bonds is paid over to the treasurer of said county, he shall give such additional bond as the County Court of Revenue may deem proper to require to protect with safety the money arising from the sale of said bonds provided for by this act, and in no event shall said additional bonds be less than ten thousand dollars (\$10,000).

Publications

Sec. 8. Be it further enacted, That it shall be the duty of said County Court of Revenue to make semi-annual publications on the last days of January and July of each year, showing the amount received from the sale of said bonds, and said road tax, and specifying to whom and for what it was paid out.

Sec. 9. Be it further enacted, That the members of the County Court of Revenue of said Lawrence county shall not be paid more than two and fifty one-hundredths (\$2.50) dollars per day and no mileage while they may be engaged in carrying out the provisions of this act, to be paid out of said road fund. Compensation

Sec. 10. Be it further enacted, That said County Court of Revenue are authorized whenever they see proper to employ a good and competent civil engineer to assist in the proper construction of said roads, and may also employ such other persons as they may see proper. Engineer

Set. 11. Be it further enacted, That there shall be an election held in said County of Lawrence, on the third Tuesday in April, 1899, it being the eighteenth day of said month, of the qualified voters of said county; said election shall be held at the voting places in the several precincts in said county, and all persons who are qualified voters, under the general election laws of this State, shall be entitled to vote at such election. Such election shall be ordered, called and governed by the general election laws of this State, in force at the time of said election, except that the compensation of the inspectors, clerks and returning officers, if they see proper to charge for their services, shall not exceed one-half the amount paid in general election: Provided, That the returning officer shall be entitled to three cents per mile in going to and returning from the county seat of said county. Election

Sec. 12. Be it further enacted, That at such election, those who desire to vote for the issuance of the bonds, and the construction of the roads in pursuance of the provisions of this act, shall deposit their ballots, with the words "For macadamized roads," printed or written thereon, and those who desire to vote against the issuance of the bonds and the construction of the roads, provided for by this act, shall deposit their ballots with the words "Against macadamized roads," printed or written thereon. When the ballots so cast are returned and counted by the Court of Su- Ballots

pervisors as now required by law for general elections, the result of such election shall be, by the County Court of Revenue, spread upon the records of said Court, and also upon the records of the Court of Probate of said county, as part of the records thereof.

Result

Sec. 13. Be it further enacted, That if the result of said election shall be in favor of macadamized roads, such results to be determined by the majority of the votes cast at such election, then said County Court of Revenue shall proceed at once to carry out and execute the provisions of this act, by the issuing and negotiating of said bonds, and by the construction of said roads, as provided for by this act.

Record

Sec. 14. Be it further enacted, That probate judge of said county is hereby required to keep a correct record of bonds issued and sold under this act, in a well bound book, furnished for the purpose.

Bonds

Sec. 15. Be it further enacted, That in the event that said bonds are issued, they and the coupons attached shall have all the attributes of commercial paper in whosoever hands they may be, after being in circulation, and no neglect, omission or informality in their issuance, or the proceedings of the Court of County Revenue in their issuance, shall affect their negotiability or qualities as commercial paper.

Approved February 23d, 1899.

No. 868)

AN ACT

(S. 518)

To provide for the holding of the regular sessions of the Board of Revenue of Barbour County alternately at Clayton and Eufaula, and to authorize special sessions at either of said places.

Sessions at

Section 1. Be it enacted by the General Assembly of Alabama, That the regular sessions of the board of revenue of Barbour county, Alabama,

shall be held alternately at Clayton and Eufaula, as follows: The February and August sessions of said board shall be held in Clayton, and the April and November sessions of said Court shall be held in Eufaula.

Sec. 2. Be it further enacted, That special sessions of said board as authorized by law may be held either at Clayton or Eufaula, and it shall be stated in the call for such special session whether the same is to be held in Clayton or Eufaula.

Approved February 23d, 1899.

No. 869)

AN ACT

(S. 500)

To create a separate school district in Midway, Alabama; to define its boundaries and provide for the maintenance of schools therein.

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district, to be known as the Midway School District, of Bullock county, Alabama, be and the same is hereby established, to consist of all that part of said county, as follows, to-wit: All of Township 13, north of Range 25 E., and those parts of Township 13 north of Range 26 E., and Township 12 north of Range 25 E., and Township 12 north of Range 26 E., which are situated in Bullock county; and the inhabitants of said territory are hereby incorporated under the name of the Midway School District, and by that name may sue and be sued, contract and be contracted with, may have, take, hold, sell, exchange, rent, lease and convey real and personal property, buy, rent and lease school houses, and exercise all the rights, powers, franchises and privileges which are or may be necessary and proper to carry into effect the purpose of this act, for the successful operation of a system of public schools within said district.

Sec. 2. Be it further enacted, That the county superintendent of education shall appoint five trustees in and for said school district, two from

Township 13, Range 25, and one from each of the other fractional townships; which trustees shall constitute a board and shall hold their office from the first day of August next for a term of two years and until their successors are duly appointed by said superintendent; and said trustees shall have the authority and exercise all powers of township trustees as now or may be hereafter provided by law, and shall take full control and management of said schools and exercise for said district schools all the duties, powers and privileges by this act conferred, and make and have made enumeration of children in the district and furnish to the county superintendent of education all such reports, statistics as are or may be required of township trustees of the general laws of the State.

Schools

Sec. 3. Be it further enacted, That it shall be the duty of said board of trustees to establish, not exceeding three schools, sufficient for the white pupils, and not exceeding five for the colored pupils in said district, and no more; to elect the principals and teachers, fix their compensation, prescribe their duties and control the distribution of teachers and pupils in said schools; to dictate the course of instruction, the number and character of text books, the method of teaching, prescribe the rules and regulations for the government of said schools; buy, rent and lease lands and houses needed for school purposes, and appropriate money from the school fund of the district to pay for the same; have and take the custody and control of all such buildings and property, and to have and exercise all such other powers as may be necessary for the complete control and management of the schools herein provided for.

Pupils

Sec. 4. Be it further enacted, That the children and wards from seven to twenty-one years of age of all residents of said school district, who have conformed to the regulations and rules of the board of trustees shall be entitled to admission in the public schools of said district, and the children of non-residents and pupils under seven and over twenty-one years of age may be admitted

into said public schools on such terms and conditions as said board of trustees may prescribe; that pupils resident in the school district of the lawful age shall be received free of tuition, but the board of trustees shall have authority and power to establish and require of each pupil an incidental fee for each term or half session, applicable to all pupils alike, and payable upon matriculation of such amount as shall be sufficient, with the other available revenues of said schools to defray the salaries of teachers and other necessary expenses; and change the same from time to time as the public necessity and welfare of said schools shall require.

Sec. 5. Be it further enacted, That the public schools of said district shall be entitled to receive their proportionate share of all funds raised or appropriated by the State, county or town for public schools; also their proportionate share of the sixteenth section fund; all poll tax which may be collected from the residents of said districts, and all funds arising from tax levies, donations, contributions or appropriations by any municipality, firm, person or corporation for the support of the same.

Sec. 6. Be it further enacted, That the State superintendent of education shall apportion, and the county superintendent of education of Bullock county shall promptly pay out the proportionate part and share of the public school fund or funds to which said district shall be entitled, as in this act provided, upon the written order of said board of trustees.

Sec. 7. Be it further enacted, That said board of trustees shall have the power and authority to grade the said school in said district and issue certificates of proficiency to such students as shall satisfactorily complete the course of study prescribed therefor.

Sec. 8. Be it further enacted, That said board of trustees first selected after the passage of this act are authorized and empowered to adopt for uniform use in the public schools of said district a series of text books on each of the several

branches taught or which may be taught therein. In making such selection and adoption, the free competition of persons, firms or corporations dealing in standard text books of merit and free from prejudicial reflections and partisan statements against our section in past history shall be invited, and the bids of publishers and dealers offering the lowest and most satisfactory terms for introduction and exchange, and the best books shall be adopted. Said adopted text books shall be used exclusively in said schools, and shall not be changed thereafter for five years, except by the majority vote of said trustees at a full meeting of the board. It shall be the duty of the secretary of the board to publish, by posting throughout the district, during the month of August in each year, and furnish to the principal and teachers at the beginning of each session, a list of the text books so adopted; and the persistent neglect of a principal or teacher to use the adopted text books shall be deemed a sufficient cause for a discharge from service. Any member of said board or any teacher or officer connected with said school, who shall act as the agent of any publisher or dealer or receive any pecuniary benefit or other consideration, in the matter of the adoption of text books for said schools shall be deemed guilty of a misdemeanor, and be dismissed from his office.

Unlawful

Repeal

Sec. 9. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 23d, 1899.

No. 870)

AN ACT

(S. 510

To relieve Henry J. Champion, a minor seventeen years of age, of the disabilities of non-age.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That Henry J. Champion, a minor seventeen years of age, a resident of Wilcox

county, Alabama, be and is hereby relieved from the disabilities of non-age, and is hereby vested with the right to sue and be sued, contract and be contracted with, to levy, sell and convey real and personal property, and generally to do and perform all acts which such minor could lawfully do if twenty-one years of age.

Approved February 23d, 1899.

No. 871)

AN ACT

(S. 498

To authorize and empower the Decatur Mineral and Land Company, a corporation, to list certain of its lands to the tax assessor of Morgan County in acreage.

Section 1. Be it enacted by the General Assembly of Alabama, That from the approval of this act by the governor, the Decatur Mineral and Land Company, a corporation chartered under the laws of the State of Alabama, be and the same is hereby authorized and empowered to list, or give into the tax assessor of Morgan county, all that certain portion of its lands now owned by it in Morgan county lying west of the Louisville and Nashville Railroad track, and south of the Memphis and Charleston Railroad track (now Southern Railway track), east of the Decatur and Danville dirt road, and north of the corporate line of New Decatur, as so much acreage, in lieu of lots by number. Authority

Sec. 2. Be it further enacted, That nothing in this act shall be so construed as to interfere with the rights of any person owning any property within the territory described in the first section of this act. Construction

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same is hereby repealed. Repeal

Approved February, 23d, 1899.

No. 872)

AN ACT

(S. 262

To establish a new charter for the Town of Alexander City, in the County of Tallapoosa.

Name

Section 1. Be it enacted by the General Assembly of Alabama, That the town of Alexander City, in the County of Tallapoosa, is hereby made and constituted a body corporate and politic under the name and style of Alexander City, by which name, acting by and through the proper officers of said corporation to be hereinafter named, all the corporate powers and privileges by this act granted, shall be executed and carried into effect, and in its corporate name aforesaid, the said Alexander City shall sue and be sued, plead and be impleaded, answer and be answered unto; and may purchase, receive and hold, sell, grant, alien, convey, mortgage, lease or let, real or personal property, and may have and use a common seal, which may be changed at pleasure, and may do and perform all acts necessary and incident to the effectual execution of the powers of such corporation not inconsistent with the constitution and laws of this State.

Rights

Territory

Sec. 2. Be it further enacted, That the municipal government of the said corporation of Alexander City shall include and extend over the following territory, and the present and future inhabitants thereupon, to-wit: The southwest quarter of Section twenty-seven (27), the northwest quarter of Section thirty-four (34), the northeast quarter of Section thirty-three (33), and the southeast quarter of Section twenty-eight (28), Township twenty-three (23), Range twenty-one (21), in the said County of Tallapoosa, State of Alabama.

Officers and
elections

Sec. 3. Be it further enacted, That the officers of said corporation shall consist of a chief officer, to be styled the Mayor of Alexander City, five councilmen and a marshal, to be elected by the legal voters of said incorporation as hereinafter

Officers and
elections

provided; the person receiving the highest number of legal votes cast at such election for any one person for the office of mayor shall be elected mayor, and the five persons receiving the highest vote for councilmen shall be elected councilmen, and the person receiving the highest vote for marshal shall be elected marshal of said Alexander; but no person shall be eligible to the office of mayor or councilmen or of marshal who shall not have been a bona fide resident citizen of said incorporation for the twelve months next preceding his election; and every citizen of said Alexander City who would be a legal voter at an election for members of the General Assembly of this State, at the time he offers to vote, and who shall have been a resident of said incorporation for thirty days next preceding the election, will be a legal voter at such election for mayor, councilmen and marshal. Each of the said officers shall be elected to hold office for a term of two years (subject to removal as hereinafter provided), and until their successors are qualified; and to this end an election shall be held within said incorporation on Tuesday after the first Monday in April, 1899, and every two years thereafter, for the election of said officers; which elections must be held by two managers, to be appointed from among the qualified electors at the proposed election, and who shall be known for their good moral character and intelligence, by the acting mayor and councilmen, and said managers shall select and appoint two competent persons to serve as clerks in the election; and at such elections the polls shall be opened, the election conducted by said managers, and the returns thereof made out and certified by them to the acting mayor and councilmen, in the same manner as required of inspectors in general elections held under the laws of this State for the election of State and county officers. The acting marshal of said incorporation is hereby constituted the returning officer for all such elections held therein, and it is hereby made the further duty of the election managers to deliver to him, within twelve hours, and properly labeled and under

seal, returns of the election in which they have acted, which he must in turn forthwith deliver in the hands of the acting mayor of said incorporation, and the said mayor must, within forty-eight hours thereafter, cause the councilmen to assemble, and from the same they will ascertain and announce the result of the election. At least thirty days before any election, as provided herein, the acting mayor must post written notice thereof in two or more public places in said incorporation, which must show the time and place, as well as the names of the managers appointed for holding said election.

Town officers

Sec. 4. Be it further enacted, That the mayor and councilmen, as soon as practicable after they enter upon the discharge of their duties, shall elect from its members a clerk and treasurer; the said clerk, treasurer and the marshal, before entering upon the duties of their respective offices, must each enter into bonds with good and sufficient sureties, in such sum as may be prescribed by the ordinances of said incorporation, to be approved by the mayor, and payable to him and his successors in office, for the use of said incorporation, conditioned for the faithful discharge of their respective duties of office; and each of them must take and subscribe the following oath, to-wit: "I, A. B. (as the name may be), do solemnly swear that I will, to the best of my skill and ability, discharge the duties incumbent on me as ——— (as the name of the office may be) of Alexander City." And a certificate of said oath must be attached to the respective bonds, which oath, together with the bond, in every case must be filed in the office of the mayor and by him recorded in a suitable book, for that purpose to be provided by said incorporation, and he must endorse upon each bond the date of its filing, over his official signature, and when so done, the said bond, or the record thereof, or a copy of the same certified by the mayor to be a true and correct transcript of such record, shall be received as evidence in all the Courts of this State without further proof of the execution and approval of such bond.

Sec. 5. Be it further enacted, That the mayor and councilmen shall have the power to remove from office the said clerk, or the treasurer, upon satisfactory proof of a wilful violation of duty in their respective offices, and appoint others; and the councilmen, upon a four-fifths vote, may, for a wilful violation of duty, remove the mayor from office, and the mayor and councilmen, for a wilful violation of duty, may, upon a four-fifths vote, remove from office any councilman or the marshal. All vacancies occurring in the offices by death, resignation or removal under this section, shall be filled by the mayor and councilmen, and the persons so appointed shall hold office until the next general election. And the mayor and councilmen shall have power to fix the salaries of all officers of said incorporation provided for in this act, as in their judgment they may deem sufficient.

Removals

Sec. 6. Be it further enacted, That any popular election held under the provisions of this act may be contested in the same manner as is, or may be, provided by the laws of this State for contesting the election of probate judges, and all the provisions of such laws in relation to contesting the election of a probate judge shall, so far as the same are, or may be applicable, apply to contests of any election held under this act. And the ballots cast at any election held under this act shall, after being counted, be carefully sealed up by the managers and preserved by one of them for the space of thirty days after the day of such election, and then, if there be no contest filed, the same shall be burned, or otherwise entirely destroyed, by said managers; but in the event of a contest, the said ballots must be promptly delivered to the judge before whom the issues of said contest will be tried.

Contests

Sec. 7. Be it further enacted, That should any election not be held for mayor and councilmen on the day prescribed by this act, said corporation shall not for that cause be dissolved, but the acting mayor and councilmen shall remain in office until their successors are elected and qualified, and the said mayor, or, in case he refuses, or from

Elections

any other cause, fails to act on demand by one of said councilmen, shall appoint some other day, not beyond 20 days from the day named in this act, on which day such election may be held as hereinbefore provided by this act.

Quorum

Sec. 8. Be it further enacted, That a majority of the board of mayor and councilmen shall constitute a quorum for exercise of all powers conferred by this act upon said corporation, for the transaction of any and all business that may come before them, and for the passage of resolutions, by-laws and ordinances. The mayor and councilmen shall fix the time and place of their own sessions, and the mayor, or any two of the councilmen, may call special meetings of the board; but notice thereof must be given by the marshal to all members of the board in the city at the time; in case of the sickness or temporary absence of the mayor, he may appoint one of the councilmen to act as mayor during such sickness or absence, and should he fail to make such appointment, the councilmen may appoint one of their number to act as mayor, and such mayor pro tempore shall exercise all the powers, and perform all the duties of mayor.

Powers

Sec. 9. Be it further enacted, That the mayor and councilmen of Alexander City shall have power to pass such by-laws and ordinances as may be deemed necessary and proper to maintain and execute the powers by this charter granted, and for their own government, and for the government of said incorporation, not contrary to the constitution and laws of this State, or to the restrictions herein imposed; and it is hereby expressly declared and enacted, that the power and authority herein conferred is to be liberally construed, for the attainment of the purposes for which the same is granted; to prevent nuisances and to remove the same at the cost of the person causing them, and to provide for the punishment of any person or persons for causing or refusing to abate the same; to license, tax, regulate or restrain balls, dances for pay, theatrical or other shows, exhibitions, lectures, concerts and all other entertainments, ex-

cept lectures, concerts and entertainments for charitable purposes; to prohibit and restrain all disorderly houses, gaming houses, houses of ill fame, racing, prize fighting, cock fighting, and all character of gaming whatsoever, within the limits of said incorporation; to prevent and punish all breaches of the peace, disorderly or riotous or indecent conduct, assaults and batteries, and all other offenses which are, or may be, made misdemeanors under the criminal laws of this State, committed within the limits of said incorporation; to establish night and day watches and police, and to punish the officers of said incorporation for neglect of duty by fine not exceeding ten dollars, and reserve the same out of their salaries; to prevent and disperse all unlawful and disorderly assemblages; to establish and regulate markets and license the same; to open and repair all sidewalks, alleys and streets, to open, widen and improve streets, alleys and sidewalks now existing, and to establish, ascertain and open new ones; to close streets, sidewalks and alleys and sell the same, or any part thereof, when, in the discretion of the mayor and councilmen, it would be to the interest of the incorporation, but not to affect injuriously any property already improved which "borders upon said street, sidewalk or alley; to build and make bridges and drains, and adopt measures necessary to preserve and regulate the same; to license and regulate carts, wagons, drays, hacks, carriages and other vehicles, running for hire within the limits of said incorporation; to grant and revoke franchises to persons or corporations to establish and operate street railways, electric light plants and water works within said incorporation, and to regulate and restrain the same; to license and tax peddlers and auctioneers, and regulate sales at auctions, except sales under an order of Court, or by executors or administrators; to license and tax any business or calling for which a license is or may be required under the laws of this State; to license, tax and regulate the sale or other disposition of spirituous, vinous or malt liquors, the wholesale or retail of the same, with-

Powers

Powers

in the limits of said incorporation; to pass and enforce all ordinances deemed necessary or proper to prevent the introduction of infectious or contagious diseases in said city, and to preserve the health of the inhabitants of the same; to prevent and punish any disturbance of the public or private worship of God, or any assemblage of people in said city met for any lawful purposes; and to prevent and punish any indecent exposure of the person, profane or obscene language, or other immoral conduct or exhibitions, drunkenness on the streets, or in other public places, boisterous or disorderly conduct, and anything else pernicious to the good order of said city; to prevent live stock or animals of any kind from running at large within the corporate limits of said city; to prevent and punish injury, and malicious or wilful mischief to houses, fences, ornamental shrubbery, fruit or shade trees, signs or sign posts, tombs, monuments, or any other class of property within the limits of said city; to take and exercise control and management of all public graveyards in said city; to erect and keep a guard house, or prison, for the confinement of offenders against the by-laws and ordinances of said city; to punish by fine not exceeding ten dollars, and imprisonment not exceeding twelve hours, for all contempts of the mayor and councilmen, or any of them, while engaged in the performance of their official duties; and to punish by fine not exceeding fifty dollars, and imprisonment or hard labor to be performed within or without the limits of said city (but within the county of which the said city may be located), not exceeding ninety days, for any breach or violation of law, by-law or ordinance of the said city; and all fines provided for in this act may be collected by the clerk, or by the marshal, or by the marshal under execution issued by the clerk, but in all cases upon the order of the acting mayor, and the latter shall also let to hire all convicts, convicted under the laws of said city, and sentenced to hard labor, in accordance with such rules and regulations as the board of mayor and councilmen may prescribe; and the said corporation

shall have power to tax and license persons or corporations engaged in soliciting or writing fire or life insurance, in addition to other specific and general powers by this act conferred.

Sec. 10. Be it further enacted, That any party against whom a judgment may be rendered in the Mayor's Court of said city shall have the right of appeal, to be taken within five days from the date of the rendition of such judgment, to the Circuit Court having jurisdiction of civil actions in the territory of Alexander City, by proceeding in the same manner as now provided by the Code of Alabama for appeals from the County Court, except that the appeal bond shall be made payable to the said Alexander City, and approved by the acting mayor. If the defendant fails to appear according to the conditions of said appeal bond, the same proceedings shall be taken thereon in the Circuit Court as in cases of other forfeited bail bonds in said court, in favor, and in the name, of the said Alexander City, against the defendant and his sureties, and the said Circuit Court may issue a warrant for the re-arrest of the defendant, and prescribe the bail to be taken by the arresting officer, and in case of a forfeiture of such bail the same proceedings may be had in said Circuit Court as in the first instance, but all such warrants shall be issued to the sheriff of the county. The trial upon such appeals in the Circuit Court shall be de novo, and the issues shall be made up, and the proceedings conducted and concluded in same manner as in cases of appeals from the County Court, and should the defendant be found guilty upon the issues, the presiding judge shall impose upon him such punishment as may be warranted by the ordinances, or laws, of said city and in addition to the punishment prescribed by said ordinances or laws, the defendant shall be taxed with the same fees and costs to the officers of court as are allowed in like cases on appeals from the County Court, and if the said officers' fees and costs, are not presently paid, or a judgment therefor confessed by the defendant

Appeals

and acceptable sureties, the defendant may be sentenced to hard labor in lieu thereof for a period not exceeding sixty days, in addition to the punishment prescribed by the law or said incorporation for the offense of which the defendant stands convicted. In case of conviction and sentence to hard labor upon any appeal, the sheriff of the County shall deliver the defendant into the custody of the marshal of said city, and the mayor must proceed and let the convict to hire, in accordance with the judgment of the said Circuit Court.

Police Powers

Sec. 11. Be it further enacted, That the mayor and marshal are, respectively, hereby constituted peace officers, with power to quell all affrays, riots and disturbances in said city, and they are each empowered to summon any citizen, or citizens, to their instant aid in executing the power granted in this section; and any person refusing or neglecting to render assistance when called upon by the mayor or marshal, shall be arrested by the marshal and carried before the mayor, and, if found guilty of refusing or neglecting to respond to such summons, shall be punished by fine not exceeding ten dollars, and on failure to pay the same must be imprisoned or put to hard labor for twenty days. The said marshal shall also have authority to execute all laws, by-laws, resolutions and ordinances adopted by the board of mayor and councilmen of said city; to make arrests of all offenders against same, and carry them before the mayor for trial, or imprison them for safe keeping until they can be carried before the mayor, or admit them to bail with good and sufficient sureties for appearance before the mayor upon a day not later than five days thereafter; and the mayor may also take and approve bail for the appearance of defendants before him from time to time as occasion may require; and in case of forfeiture of bail by the defendant, such proceedings may be taken before the mayor against the defendant and his sureties, or either of them, as shall be prescribed by the ordinances of said city. And the said mayor and marshal, respectively, shall be entitled to the sum of one dollar each, to be taxed as a penalty

against the defendant upon conviction, and if the same are not presently paid, or a judgment thereof confessed by the defendant with good and acceptable sureties, he shall be sentenced to hard labor in lieu of the same for a term not exceeding thirty days: but in no case shall the mayor sentence a defendant to hard labor for a longer term than ninety days.

Sec. 12. Be it further enacted, That, in addition to the power to levy and collect the special taxes as herein before provided, said corporation shall have power to levy and collect annually an ad valorem tax, not exceeding one half of one per centum, upon the assessed value of all taxable property, real, personal or mixed, which may be at the time of such levy subject to taxation under the laws of this State; and all such property shall be assessed by the clerk of said incorporation in the following manner: The said clerk shall on the first day of May in each year, publish, or cause to be published, written or printed notices to the tax payers of said city, and post the same in conspicuous places, and in sufficient numbers, to give reasonable notice, that his books will be open ten days next thereafter for the assessment of the taxable property in said city; and it shall be the duty of every citizen holding any such property, and every corporation, agent or partnership, to visit the office of said clerk within the time prescribed by said notices, and give or render to him, under oath, a list of said property, and at such valuation as the party so rendering may affix upon his oath; and, of the owner or holder of any such property shall fail to give in or render the same as herein provided, then it shall be the duty of the mayor to appoint two of the councilmen, who, together with the clerk, shall proceed to assess the said property according to the best information they can obtain.

Sec. 13. Be it further enacted, That it shall be the duty of said clerk to make a digest of the assessments for taxes, showing the name of the person, or corporation to whom assessed, a brief description of the property and the value thereof, and report the same to the mayor and councilmen

Tax Book

at their first regular meeting in July next after said assessment; and it shall be the duty of said mayor and councilmen to examine said assessments, and whenever it is made to appear that any assessment therein contained is too low, or too high in valuation, they shall equalize and arrange the assessment in accordance with the real value of said property; but in no case shall any assessment be changed without first giving the party interested, or his agent, notice to appear and show cause why the assessment should not be changed. After such examination, the said mayor and councilmen shall then proceed to assess such rate per centum, not exceeding one half of one per centum, as they may deem necessary to meet the demands of said city for the fiscal year for which the assessment was made.

Taxes

Sec.14. Be it further enacted, That it shall be the duty of the mayor and councilmen to turn over to the marshal the digest of the taxes as early after the first meeting in July as practicable, and said marshal shall proceed at once to the collection of the taxes, giving to each party who pays a receipt for same; and it shall be the duty of the marshal to call upon every tax payer resident in said city, when practicable to do so, and to notify non-residents by mail, at least one time before the first day of January next after the assessment and demand payment of the taxes assessed against them, and, if after that time, there shall be any delinquents, it shall be the duty of the clerk to issue executions against them immediately and place the same in the hands of the marshal; and when such executions have been placed in the hands of the marshal, he shall notify the defendant, or his agent, by mail, or by personal service (as may be most practicable) of the issuance of the execution, and, if after the expiration of five days from the issuance of such notice the said taxes, and the costs incident to such delinquency, still remains unpaid he shall proceed to levy the execution upon such property, real or personal, as he may find in the corporate limits of said city belonging to said defendant in execution,

or upon such other property as may be liable for the satisfaction of said taxes. After the levy of said execution, the property levied on shall be advertised for sale by the marshal, for at least ten consecutive days, either by publication in some newspaper published in said city, or by posting at least three written or printed notices in conspicuous places in said city; then the marshal shall, between the hours of eleven o'clock a. m. and four o'clock p. m., expose the same for sale at public outcry, for the taxes and costs that may have accrued thereon, and whoever shall bid off the property or any part thereof, for the amount of taxes and costs, shall be declared the purchaser of the same, and shall receive from the marshal a certificate of said purchase, setting forth a description of the property sold, the amount of taxes and costs paid, and the time and place of sale, and if said purchaser shall hold said certificate of purchase for twelve months without a redemption of the property as hereinafter provided, then the mayor of said city shall execute to said purchaser a conveyance of the title to said property, which shall vest in the purchaser all the interest which the defendant in the execution ever had in and to said property, absolutely; and if there shall be no bidder at the sale of such property, it shall be the duty of the marshal to purchase the same for and in the name of said corporation for the amount of the taxes and costs thereon, and to execute a certificate of purchase accordingly, as hereinbefore provided; and if said corporation shall hold said certificate of purchase for twelve months, then it shall be the duty of the mayor to execute a conveyance of the property to the said corporation, as hereinbefore prescribed, and said conveyance shall vest in said corporation absolutely all the interest of the defendant in execution in the property.

Sec. 15. Be it further enacted, That any person, or persons, or corporations, whose property shall have been sold for non-payment of taxes under the provisions of this act, shall be allowed, at any time within twelve months from the date of such

Taxes

Sale

Right to
redeem

sale, to redeem the same, by paying the amount of taxes and costs, and twenty per centum thereon additional, which said amount of taxes and costs and twenty per centum shall, if there be a purchaser, be turned over to him, and his certificate of purchase surrendered and canceled; but if the property shall have been purchased in the name of said corporation, then the said amount shall be turned over to the treasurer thereof and the certificate purchase shall be by him canceled. And it is hereby further provided that the mayor, marshal and clerk, or other officers of said corporation, shall be entitled to the same fees, costs and charges for services performed in the enforcement of the provisions of this act relating to delinquent taxes, as are now allowed, or that may be hereafter allowed, for similar services by State and county officers under the general revenue laws of this State.

Lien

Sec. 16. Be it further enacted, That the execution issued by said clerk as hereinbefore provided, shall be a lien on all the property given in by, or rendered in the name of, the party against whom the execution was issued, and such lien shall have relation from the time of the assessment of such taxes, and the same shall be paramount to all other liens, mortgages, judgments and other claims, of whatsoever character, without regard to date thereof, except the lien for State and county taxes; and no assessment of property, or charges for taxes, shall be considered as illegal on account of any irregularity of the tax lists or digest, or on account of the same not having been made and returned within the time required by law, or on account of the property having been listed without the proper owner, and no error or informality in any of the proceedings by any of the officers connected with the assessment of the taxes, and affecting the substantial rights of the tax payer, shall impair the validity of the proceedings herein provided for, and all such errors or irregularities may be corrected by the mayor and councilmen in their discretion.

Sec. 17. Be it further enacted, That all male persons, between the ages of eighteen and forty-five years, residing within the limits of said corporation, not otherwise exempt from public road duty under the general laws of this State, shall be liable and are hereby required to work on the streets, alleys, sidewalks and roads in said corporate limits for a period of not exceeding ten days in each year: Provided, That any person may procure an exemption from such work by paying to the treasurer of said city a street tax not exceeding in amount the sum of three dollars for any one year, as may be prescribed by the mayor and councilmen. And all persons liable to work under this section are hereby expressly exempt from all other public road duty under any other law of this State, so long as such liability continues.

Work on
streets

Sec. 18. Be it further enacted, That all by-laws and ordinances adopted by said city government must be published by the clerk one week before the same shall go into effect, which publication may be made in some newspaper published in said city, or by posting copies of such by-laws or ordinances in at least two conspicuous places within the limits of said incorporation, for ten days and after such publication has been made, in every case the said clerk must record the said by-law or ordinance in a well bound book to be provided for that purpose by said corporate authorities, and the said clerk must thereupon append to the record of such by-law or ordinance his certificate showing the date of publication and the date of recording the same, and affix thereto his official signature, and when so done, the record of such by-law or ordinance, or a copy thereof duly certified by said clerk, shall be received in evidence in any of the Courts of this State without further proof as to the adoption or publication of such by-law or ordinance.

Publication

Sec. 19. Be it further enacted, That all by-laws, resolutions and ordinances now in force in said Alexander City under its present charter, and not in conflict with this act, or the Constitution and

By laws

laws of this State, are hereby continued in force, subject, however, to amendment, change or repeal by said corporate authorities.

Repeal

Sec. 20. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed, so far as they apply to this incorporation.

Approved February 23rd, 1899.

No. 873)

AN ACT

(H. 889

To incorporate the Jackson Club.

Incorporators

Section 1. Be it enacted by the General Assembly of Alabama, That J. F. B. Jackson, Mark Doyle, John Ryan, John D. Miller, John E. Ellis and W. C. Hernandez, their associates and successors, are hereby constituted and declared a body corporate

Name

under the Constitution and laws of the State of Alabama, under and by name of the "Jackson Club," and by such name shall have perpetual succession, may sue and be sued, plead and be impleaded, answer and be answered unto, in all kinds of actions, both in law and equity, may receive donations, may purchase property, both real and personal, the same to hold, use or dispose of at pleasure, and to have and to use a common seal.

Rights

By-laws

Sec. 2. Be it further enacted, That said club shall have full power and authority to adopt such constitution and by-laws, not inconsistent with law, as may be necessary or proper to the proper selection of officers or agents, and to regulate their terms of office, the number, reception and expulsion or suspension of members, the regulation of fees and dues, and the collection thereof, and generally to the government of the club, and the management of its business, and to amend or change the same.

Powers

Sec. 3. Be it further enacted, That said club shall have power and authority to own and maintain a library and reading room, for the use of its members, to lease and purchase real estate and

buildings, and to erect buildings, such as may be necessary and proper for its own use, to acquire by purchase or otherwise, and retain such personal property as said club may see proper to acquire and hold; to operate or contract for a restaurant to be operated, to provide for and dispose of to its members, cigars, cigarettes, and tobacco, and such disposition shall not constitute a sale thereof, but shall be held and treated as a consumption by such members of their own property; to acquire and operate for the exclusive use of the members, pool and billiard tables, a gymnasium and bath rooms, and to borrow money and to secure the same by bonds and mortgages: Provided, However, that no indebtedness shall be created save for the current expenses, except by consent of two-thirds of the members of the club given at a regular meeting, or at a meeting called for that purpose, of which meeting and of the time and place of holding the same, and for the purpose for which the same is called, thirty days notice must be given to each member who is at the time in the City of Birmingham and whose residence is known.

Sec. 4. Be it further enacted, That the location of said club shall be in the City of Birmingham, and the term "members" as used in this act, when used in respect to the power and authority of the club to borrow money and execute bonds and mortgages, shall not be construed to mean honorary or non-resident members of the club, and the club shall have authority to prescribe the powers, rights and privileges of all honorary and non-resident members.

Approved February 23rd, 1899.

No. 874)

AN ACT

(S. 477

To authorize Sumter County to build macadamized or turnpike roads, and to issue bonds of the county to aid in the construction thereof.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That Sumter county by and through its county commissioners is hereby authorized to issue and sell bonds of said county to be hereinafter described, to build and construct within the limits of said county, certain macadamized or turnpike roads to be hereinafter designated and described.

Duties of
probate
judge

Sec. 2. Be it further enacted, That the judge of probate of Sumter county be and he is hereby directed, on the passage of this act, to communicate with road experts and builders, and with all others whose opinion he may deem valuable, with a view of ascertaining the character and cost of the most durable turnpike or macadamized roads, and he is further directed to take information from bankers and others whose opinion he may think desirable as to the best price, the bonds hereinafter described might be sold.

County com-
missioners

Sec. 3. Be it further enacted, That on the first Monday of April, 1899, the judge of probate shall call a meeting of the board of county commissioners, and shall submit to it the information he may have obtained, and said board shall, from said information, and any other that may be obtained, determine to the best of its ability the character, width, etc., of the road it is most advisable to build, probable mean cost per mile of building the road hereinafter specified, and after the manner recommended by said Court and the best terms at which the bonds might be sold, and said commissioners shall, on the same day, prepare a statement of its deliberations and conclusions, together with the financial condition of the county, which it shall cause to be published in that paper in the county, having the largest circulation.

Road com-
missioners

Sec. 4. Be it further enacted, That the Commissioners Court of Sumter county are hereby constituted road commissioners for Sumter county, whose term of office shall commence immediately after the bonds hereinafter referred to are sold, and the proceeds of same are paid into the office of the county treasurer, as hereinafter provided,

and continue until the completion of said turnpike. Said road commissioners shall, before entering upon the duties of their said office, take an oath before some qualified officer, to faithfully perform their duties as such road commissioners, and not to become interested in any manner, directly or indirectly, in any contract, for the construction of said turnpike roads. Said road commissioners shall also before entering upon the duties pertaining to said offices, as hereinafter set forth each execute a bond in the sum of five thousand dollars, payable to the County of Sumter, conditioned for the faithful performance of their duties as such road commissioners and for the faithful accounting by them of all moneys received and disbursed in connection with said office and building and constructing said contract roads. Said bonds shall be approved by the probate judge of said county, if the principal and securities thereon are deemed by him worth said sum over and above all exemptions, and when so approved shall be filed in his office. Should said road commissioners, or either of them fail or refuse to act as such, or die or remove from said county, or refuse to take the oath and execute the bond hereinbefore mentioned, then such facts shall be reported to the governor of Alabama, by said probate judge, who shall thereupon fill such vacancy. Said road commissioners shall each receive for their services two and one half dollars per day, when in attendance upon a meeting of the board, to be called by the judge of probate or when in attendance upon the construction of the roads such attendance to be regulated by the board. Said money shall be paid by the county treasurer, monthly, out of the road fund, upon the commissioners presenting a sworn itemized statement, showing the number of days they may have served.

Vacancies

Sec. 5. Be it further enacted, That the Court of Bonds
County Commissioners are authorized, empowered and directed to issue bonds of said county to the amount of one hundred thousand dollars, the proceeds of the sale of which shall be applied

Bonds

exclusively to the construction and building of said turnpike road, that said bonds shall be sold, with the privilege of the Commissioners Court accepting or rejecting the same. And the said Court of County Commissioners shall be intrusted with the duty of having designated and prepared the said bonds and selling same; that said bonds shall be one thousand in number, for one hundred dollars each; that said bonds shall be numbered from one to one thousand consecutively, to be made due and payable at the expiration of twenty years from their date, but the Commissioners Court may call in and pay off said bonds at any time, but the same to be paid off according to their number. The interest on said bonds shall be four per cent per annum, to be paid semi-annually on the first day of January and July, and evidenced by coupons attached to said bonds, and said bonds to be made payable, both principal and interest, at the office of the county treasurer of Sumter county; that the said bonds shall be sold at public sale at Livingston, and to the highest bidder, but for not less than par, of which notice shall be given for at least two weeks in that paper of the county having the largest circulation, and also in the Birmingham Age-Herald for two consecutive Sundays. Said bonds shall be signed by the probate judge of said county, with the seal of said office attached, the coupons to be attached to each bond, to bear the number of the bonds to which they are attached, signed by treasurer of said county, and to be made payable at the place designated for the payment of the principal thereof. The proceeds of said bonds, as the same are sold, shall be paid to the treasurer of said county, whose duty it shall be to receive the same, to be kept by him as a separate fund, called the road fund, to be paid as hereinafter provided. Said coupons of said bonds shall be receivable in payment of all county dues. And it shall be the duty of the county treasurer to register said bonds, and keep an accurate account of the same in a well bound book, and shall also make an entry in said book of all payments of interest on said bonds.

Sec. 6. Be it further enacted, That said county treasurer shall manage and make reports of said fund, as required of him by law of the general funds of the county, but said accounts and said reports of said road fund shall be kept separate from the general funds of the county. That before any money arising from the proceeds of the sale of said bonds is paid over to the treasurer of said county, he shall give such additional bond as the Court of the County Commissioners may deem proper to require to protect with safety the money arising from the sale of said bonds, provided for by this act. Said treasurer shall pay out said money, the proceeds of the sale of said bonds, only upon an order or draft upon him, drawn and signed by the judge of probate, and the road commissioners, specifying what said order or draft is in payment of, said orders or drafts shall be safely kept by said treasurer.

Road Funds

Sec. 7. Be it further enacted. That in building of roads under the provisions of this act, the following shall have precedence over all others, viz: So much of the road leading from Cuba to Kintabish as will enable such road to be put in good condition in wintry weather, the York-Intercourse road for $3\frac{1}{2}$ miles, the York-Livingston road for 2 miles; the Curl-Gaston road for $3\frac{1}{2}$ miles; the Curl-Livingston road for $1\frac{1}{2}$ miles; the Livingston-Butler road for $1\frac{1}{2}$ miles; the Livingston-Coatopa road for 3 miles; the Livingston-Gainesville road; the Epes-Sumpterville road, and the York-Millville road for $1\frac{1}{2}$ miles. Said road commissioners shall build and contract said roads and all other roads by letting the same by contract to the lowest bidder. That before letting said contract, said road commissioners shall advertise for thirty days in that newspaper of the county having the largest circulation and in the Birmingham Age-Herald for two consecutive Sundays, to the effect that contracts would be let for the building of said road, or a part thereof, with the privilege of accepting or rejecting the same. If any of said bids are accepted, said road commissioners are required to contract with the contrac-

Precedence

Advertise

Contracts

tors in writing, which contract shall be signed by said contractor, and the County of Sumter, by said board of road commissioners, who are authorized to contract for said county, for the construction of said turnpike roads: Provided, Said county will not be liable for payment of the amount of said contract, except out of the said road fund. Said road commissioners shall have said contractor to deliver to them before work is commenced on any of said roads a bond in such sum as said road commissioners may determine, in no case less than one-half the amount of the contract, payable to the County of Sumter, conditioned for the faithful performance of said contract, within the time as specified therein, in a first class condition and skillful and workmanlike manner, and according to the specifications which shall be set out in said contract, said bond shall be approved by said road commissioners, but not until they are satisfied that the sureties thereon, not less than two, are sufficient to secure said county should the principal thereon fail to comply with the said contract. Said contracts shall be filed with the probate judge of said county.

Discretion

Sec. 8. Be it further enacted, That the fixing of the width of said roads and the character of stones, concrete or other material used in their construction, shall rest in the discretion of said road commissioners, but it shall be that which they, in their meeting on April 1st, as provided for in this act, consider the most desirable and all roads built by the board of road commissioners of Sumter county under this act, shall be built of the same material and be of the same width, and in all other ways alike, unless it is found there exists in Sumter county a material out of which roads in the proximity of said materials might be more cheaply built.

Special Tax

Sec. 9. Be it further enacted, That it is hereby made the duty of the Court of the County Commissioners of said County of Sumter to levy and collect such tax, annually, as is now or may be hereafter authorized by the Constitution of the State of Alabama, or so much thereof as may be necessary upon the property in said county, as

may be necessary to pay the interest and principal of said bonds, provided for by this act, as the same falls due; and all taxes collected on said road levy be received and kept by the treasurer of said county as a separate fund, as above provided and paid out in payment of the principal and interest of said bonds, provided for by this act, for which the coupons and bonds so paid shall constitute the proper voucher of said treasurer, and whenever there is a surplus of such taxes, in the hands of said treasurer, not required for the payment of principal and interest of said bonds, the same shall be applied on the cancellation of said bonds, whether the same has matured or not, but the said bonds shall be paid off according to number.

Sec. 10. Be it further enacted, That the bonds issued under the provisions of this act shall be exempt from taxation by the County of Sumter and the Town of Livingston, or any other municipal corporation, now or hereafter organized in the said County of Sumter. Taxes Ex-
empt from

Sec. 11. Be it further enacted, That it shall be the duty of said Court of County Commissioners to make semi-annual publications on the last day of January and July, of each year, showing the amount received from the sale of said bonds and said road tax, and specifying particularly to whom and for what it was paid out. Publications

Sec. 12. Be it further enacted, That said road commissioners are authorized to employ, if in their judgment it becomes necessary, a competent civil engineer to assist in the construction of said roads, also to employ counsel to do any legal work said board of commissioners may wish done, but for said engineer and counsel, a sum not to exceed six hundred dollars shall be paid. Engineer

Sec. 13. Be it further enacted, That at the election to be held for the constitutional convention on the first Monday in July, 1899, an election shall be held by the people of Sumter county to determine whether said bonds shall be issued or not, that the judge of probate shall cause tickets to be provided, having on said tickets "for road Election

improvement," and "against road improvement." That said election shall be conducted in all respects as elections for State and county officers are conducted, and that said ballots shall be deposited in a separate box from that in which the ballots for and against the constitutional convention shall be cast, and that it shall be the duty of the election managers to receive said ballots and certify and make returns thereof as in other elections, and the same shall be received, the vote counted and the result declared by the judge of probate, clerk and sheriff, at the same time and place that the vote is counted and declared on the question of constitutional convention, and the same shall be certified by said judge of probate, clerk and sheriff to the Commissioners Court of said county, and the same shall be spread upon the minutes of said Court, and also upon the records of the Probate Court of said county as a part of the records thereof.

Result

Sec. 14. Be it further enacted, That if the result of said election shall be in favor of building said roads, such result to be determined by the majority of the votes cast in such election, then said Court of County Commissioners of said county shall proceed at once to carry out and execute the provisions of this act, as hereinbefore provided for the issuance sale of said bonds, and said road commissioners shall proceed to construct said roads as provided in this act.

Approved February 23rd, 1899.

No. 875)

AN ACT

(S. 436

To provide and establish a stock law for Cullman County.

Election

Section 1. Be it enacted by the General Assembly of Alabama, That an election shall be held in Cullman county on the 1st day of July, 1899, to ascertain whether or not a majority of the qualified electors of said county desire a stock law in said

county, prohibiting the running at large of stock. It shall be the duty of the sheriff of said county to cause a notice of said election and of the time thereof to be published in some newspaper published in said county for at least thirty days prior to the day of holding the same.

Sec. 2. Be it further enacted, That the managers for said election shall be appointed as in general elections for county officers, and said election shall be held in the same manner and under the same regulations as such general elections: Provided, That the ballots to be prepared by the judge of probate for the election on the question of holding a constitutional convention and for delegates thereto shall be printed thereon, "Stock law, Yes," "Stock law, No," and, provided, that the elector shall indicate his choice by making a cross mark in front of the word "Stock law, Yes," if in favor of such stock law, and by making a cross mark in front of the word "Stock law, No," if opposed, and, provided, further, that both those in favor of stock law and those opposed shall be represented on the board of managers, clerks and fixers.

Sec. 3. Be it further enacted, That the returns shall be made in the same manner as in general elections, and the result shall be certified by the returning board of the county. The certificate of the result of said election shall be recorded in the stock law record in the office of the judge of probate. For making such record, the judge of probate shall be entitled to ten cents for each hundred words, to be paid out of the county treasury on the order of the board of revenue.

Sec. 4. Be it further enacted, That all qualified voters of said county shall be entitled to vote at such election, and any illegal voting at such election shall be punished in the same manner as illegal voting in general elections.

Sec. 5. Be it further enacted, That if a majority of votes cast be "Stock law, Yes," it shall be unlawful for any stock to run at large in said county, and if a majority of the votes cast be "Stock law, No," it shall not be unlawful for stock

to run at large in said county, and the term stock as used in this section and elsewhere in this act shall be construed to include horses, jacks, mules, jennies, cattle, hogs, sheep, goats and geese: Provided, That the result of such election shall not take effect until the lapse of six months after such election is held.

Contests

Sec. 6. Be it further enacted, That such election may be contested on the same grounds and in the same manner as contests for the election for probate judge are had.

Liens

Sec. 7. Be it further enacted, That any person injured by any live stock running at large in violation of the provisions of this act, either in person or to his wife, child, crop or property of any kind, shall have a lien upon such stock for all damage done by said stock, and the cost of all legal proceedings prosecuted by the injured party for the recovery of such damages.

Trials

Sec. 8. Be it further enacted, That any person, his agent or attorney, whose property or person is injured by any stock running at large in violation of this act, may within thirty days after such damage was done, make complaint against the owner of the stock doing the damage, to a justice of the peace or notary public ex-officio justice of the peace of the precinct in which the damage was done, or if there be no justice of the peace or notary public ex-officio justice of the peace of such precinct, then to any such officer of an adjoining precinct; said complaint must describe, as nearly as may be, the stock doing the damage, and the property, person or thing injured, and state the amount of damage done. Upon the finding of said complaint the justice of the peace or notary public ex-officio justice of the peace must issue a summons to the owner of said stock, commanding him to appear on a day not less than three nor more than ten days after the issuance of said summons and answer, which may be served on the owner, custodian or herdsman of said stock. On the trial of said cause, if judgment be rendered for such complaint, the justice trying the cause must, if such judgment and cost

be not presently paid, condemn the stock doing the damage to be sold for the satisfaction of such judgment and costs, and shall forthwith issue an execution therefor and endorse thereon an order commanding the officer executing the same to sell the stock so condemned, describing them in said order for the satisfaction of such judgment and costs.

Sec. 9. Be it further enacted, That any owner or manager or person in control of any land within the limits of any stock law district established under the provisions of this act, or their agent, who may find any live stock running at large, upon his land, contrary to the provisions of this act, shall notify the owner, custodian or herdsman thereof, if known to him or he can reasonably ascertain who such owner, custodian or herdsman is within twenty-four hours, personally or by written notice at his home: Provided, The home of such owner is not more than five miles distant, and shall have the right, and it is to be his duty only to take up said live stock and confine the same so as to prevent them doing other or further damage for which he shall be entitled to receive not exceeding twenty-five cents per head, to be taxed as cost, and shall also feed and water said stock while so detained, and the cost of watering and feeding said stock while so detained, not exceeding twenty-five cents per day for each, shall on proof being made to said justice on the trial of said cause, that feed and water were given the said stock in sufficient quantity and of good quality, be taxed against the defendant as other costs are taxed and collected from the sale of said stock or by execution against the owner thereof: Provided, That any taker-up of such stock who fails to use reasonable diligence to so notify the owner, custodian or herdsman thereof, shall not be entitled to any pay for keeping said stock for all time over twenty-four hours that they so failed to notify such owner, custodian, or herdsman thereof as required by this section.

When owner
unknown

Sec. 10. Be it further enacted, That when any live stock is found trespassing upon the lands within said county or any stock law district established under the provisions of this act, or when any person or property is injured by stock running at large, contrary to the provisions of this act, and the manager, custodian, herdsman, or owner of such stock is unknown to the person whose property or person is injured, or on whose lands said stock is so trespassing, must within two days after taking up said stock, make complaint under oath to a justice of the peace or notary public ex-officio justice of the peace of the precinct or an adjoining precinct, if there be no justice of the peace or ex-officio justice of the peace in said precinct where the damage is done, describing as near as may be the stock doing the damage and the property, person or thing injured and the amount of the damage, and that the owner of such stock is unknown after diligent efforts to ascertain the name of such owner, then the justice to whom the complaint is made shall appoint a day not less than four nor more than ten days distant and cause a notice to be posted in three public places in the neighborhood of the land upon which said live stock was found trespassing or in which such injury was done, describing as near as may be said stock, and giving notice of the day upon which said trial will be held, and on the day fixed for said trial or on that to which it may be continued he shall proceed with said trial in all respects as provided in this act where the owner of the stock is known, and any owner of such stock may appear and make himself a party to such suit. Should the stock sell for more than enough to pay the amount into the county treasury: Pro-stock or the owner thereof, the surplus, if any, must be paid to the owner of said stock, if he is known by the justice, and if he be unknown, the justice must within thirty days after said sale, pay the amount into the county treasury: Provided, That the treasurer should pay the sum to the owner whenever he makes satisfactory proof that the stock were his property, and that he is

entitled to such surplus proceeds of the sale of such stock, and provided, further, that such owner shall have the right at any time within twelve months after such sale to redeem such stock from the purchaser at said sale or any purchaser from him, by paying all damages and costs adjudged against them, together with a reasonable amount for keeping said stock up to the time of said application to redeem, over and above the value of its use, if anything, and on so making such payment or offer to repay, the party in possession of said stock must deliver the same to the owner thereof: Provided, That if the parties are unable to agree as to what amount the owner should pay to redeem his stock, such owner may bring an action of detinue for such stock and upon suggestion require the Court or jury trying the case to ascertain the amount such owner should pay to redeem his stock sued for, and such ascertainment must be entered on the record of the judgment, and the Court must order that if the amount so ascertained as necessary to redeem said stock, interest and cost of suit be paid within five days to the defendant or Court trying the same for his use, then the plaintiff shall have judgment that if before such suit brought the plaintiff shall tender to defendant an amount he considers sufficient to redeem his stock, and such tender is refused, then, if on such trial, no greater amount than was tendered, is ascertained to be necessary for such owner to pay in order to redeem his stock, such owner shall not be required to pay any costs of suit, but the costs of suit in that instance shall (if the owner pays the damages ascertained to be paid by him) be taxed against the defendant; and provided, further, that all proceeds from the sale of stock under the provisions of this section, which shall yet remain with the county treasurer after the period of twelve months shall have elapsed from the time of their being so deposited shall be applied to the benefit of the public schools of the township in which the proceeds were collected.

When owner
unknown

Costs

Sec. 11. Be it further enacted, That whenever the owner, custodian or herdsman of any stock arrested for the trespass upon the lands of another shall tender or cause to be tendered to the person injured, or having his stock in custody, an amount sufficient to cover the amount of damage done, and all costs and expenses that may have accrued up to the time of such tender, if said tender is refused and the damage and costs up to the time of such tender are not assessed at an amount greater than the amount so tendered, then the plaintiff shall not have or recover judgment for any costs or for any further feeding or watering.

Replevy

Sec. 12. Be it further enacted, That whenever any stock are confined or delivered under the provisions of section 10 of this act, the owner thereof, his agent, or some responsible person for him, may replevy the same by giving bond in double the amount of the damages and costs then claimed, to be approved by either person damaged by such stock, or by the justice of the peace, or notary public ex-officio justice of the peace before whom the complaint is made, and conditioned to have such stock forthcoming on the day and at the place appointed for their sale, for the satisfaction of any judgment that may be rendered declaring a lien upon such stock under the provisions of this act.

Causing to
break
away, etc

Sec. 13. Be it further enacted, That any person who wilfully or maliciously causes any live stock to break away from their herder, guard or tether, in said county, or in any established stock law district therein and permits such stock to run at large contrary to the provisions of this act for the purpose of injuring or annoying the owner, custodian or herdsman of such stock, any person who unlawfully takes or drives any live stock upon the lands of another without the consent of the owner or person in charge of said lands or unlawfully takes away from any lot or place where such stock has been impounded without having first paid the fees required by this act and without the consent of the person in charge thereof, shall be guilty of a misdemeanor and on conviction shall

be fined not less than ten nor more than one hundred dollars for each offense: Provided, No prosecution shall lie under this section when a person is trying to reclaim or impound stock running at large.

Sec. 14. Be it further enacted, That it shall be unlawful for any person to tie or stake out any stock of any kind in said county or within any stock law district established under this act, on or sufficiently near any public road or bridges, as that they may graze or go upon said public road or wander about such bridge, and any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than one dollar nor more than fifty dollars. Staking out

Sec. 15. Be it further enacted, That justice of the peace, and notaries public ex-officio justices of the peace, shall have jurisdiction of offenses under this act, and on conviction shall have authority, on failure of defendant to pay or secure the fine and costs, to sentence the defendant to hard labor not only for the fine, but also for the costs of the prosecution, and for the purpose of suits and prosecutions under this act such Courts shall be always open. Jurisdiction

Sec. 16. Be it further enacted, That from any judgment rendered by any justice of the peace or notary public ex-officio justice of the peace under the provisions of this act, either party may appeal to the Circuit Court of the county in which the proceedings were had, as in other cases. Appeal

Sec. 17. Be it further enacted, That the owner or manager of any stock who shall, living within the county or any stock law district under the provisions of this act, knowingly, wilfully or negligently suffer such stock to run at large off his own premises, in violation of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than one hundred dollars, and all prosecutions under this section must be commenced within twenty days after the commission of the offense, and only the person injured by such stock Prosecutions

Unlawful
acts

shall have the right to institute such prosecution.

Sec. 18. Be it further enacted, That any person who shall wrongfully and wilfully drive or cause to be driven, any stock from outside of said county or of any stock law district established under the provisions of this act, for the purpose of having such stock run at large therein, contrary to the provisions of this act, for the purpose of injuring or annoying the owner, custodian or herdsman of such stock or for other unlawful purpose, and any person who shall negligently and wilfully leave open any gate or break any fence in said county within any stock law district therein, knowing that such stock are confined therein, and who shall unlawfully and wilfully turn out any stock within such district out of any enclosure, and thereby cause them to run at large in said county or any stock law district without the consent of the owner of such stock, shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars for each offense. Prosecutions under this section must be commenced within twenty days after the commission of the offense, but only on complaint of the owner of the stock so driven into the district or turned out of such enclosure.

Gates

Sec. 19. Be it further enacted, That any citizen residing within said county or of any stock law district established under the provisions of this act, shall have the right to erect gates across any public or private road, at or near the line of any such stock law district when deemed necessary to prevent trespass by stock from outside of such stock law district, and when any such gate is so erected, any person who negligently or wilfully leaves said gate opened or unfastened, or who negligently, wantonly or maliciously injures or destroys said gate, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one nor more than twenty dollars, one-half of the fine to go to the owner of the gate so injured, or to the person who erected or has charge of the same.

Sec. 20. Be it further enacted, That any person who shall within said county or any stock law district therein, without the consent of the owner of such pasture or stock confined therein, discharge any gun or other firearms within such pasture where stock are confined, or within one hundred yards of such enclosure, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than twenty-five dollars.

Discharge of
firearms

Sec. 21. Be it further enacted, That all fines and penalties imposed and collected under the provisions of this act shall be applied to the benefit of the public school fund of the township in which such fines are imposed and collected.

Fines

Sec. 22. Be it further enacted, That from the judgment of any Justice Court in any action, civil or criminal under the provisions of this act and from any judgment of condemnation of any stock, the defendant therein shall have the same right of appeal to the Circuit Court as is or may be allowed by the general law in similar cases, such appeal to be taken in the same time and manner as the law may provide in similar cases: Provided, That the justice of the peace may fix the amount of the bond to be executed by the defendant, which bond shall not be less than double the amount of damages and costs in said Justice Court, nor less than one hundred dollars in any criminal case.

Sec. 23. Be it further enacted, That in any precinct of said county wherein a majority of the voters who vote in such election shall cast their votes for stock law shall at the expiration of six months from the date of said election, a stock law shall be established: Provided, That within six months from the date of said election a lawful fence as the same is now or hereafter, be defined by law shall be erected around and enclosing said beat, on the line thereof, with good and sufficient gates wherever a public road crosses the beat line. And if the owner of any land on which said fence shall be built shall refuse to consent to or forbid the building of said fence on his land,

Appeals

the same or so much thereof as may be necessary may be condemned on the application of ten resident citizens of said beat in the same manner as is or may be provided by law in other condemnation proceedings and for this purpose it is hereby declared that this purpose for which any such land is sought to be condemned shall be deemed and held to be for a public use. And the fence when built along said beat line may be joined to the fence of any adjacent land owner, and the person or persons so joining to any such fence shall not be liable to such owner in any action at law, nor in any criminal prosecution for so doing.

Lawful fence Sec. 24. Be it further enacted, That stock belonging to owners who live outside the said stock law district, shall not be empounded within any stock law district established under this bill if the fence at the place where such stock may break into or enter into such district is not a lawful fence as the same is or may be described by law, nor shall the owner of such stock be liable under this for any damage done by such stock.

Result of election Sec. 25. Be it further enacted, That this bill shall not go into effect in any precinct unless a majority of the voters of said precinct voting in the election herein provided for shall vote for stock law, and it shall be the duty of the returning board to cause to be published in some newspaper published in said county within ten days after the declaration of the result of said election to publish the total vote for and against stock law in the county and also the total vote for and against the law in all the beats wherein a majority of the votes cast are for the law.

Repeal Sec. 26. Be it further enacted, That all laws and parts of laws in conflict with any provision of this act be, and the same are hereby repealed.

Contests Sec. 27. Be it further enacted, That the election provided for by the provisions of this bill may be contested by any five citizens of Cullman county by making affidavits setting out any of the grounds for the contest of the judge of probate in this State; before the Circuit Court of Cullman; or the judge thereof who may try said

contest in term time or vacation; as he may determine: Provided, No bond shall be required for the contest of such election.

Sec. 28. Be it further enacted, That in the event a majority of the votes cast in said election in the county shall be cast for stock law, then the Commissioners Court or board of revenue of Cullman county shall have authority to establish stock law districts in said county; and designate the boundaries of the same by a description upon the minutes of said Court.

Establishing
districts

Sec. 29. Be it further enacted, That in the event of the establishment of any stock law district in said county the said Commissioners Court or board of revenue shall require by order made upon the minutes of the Court, the citizens of such district or beat to establish and maintain a lawful fence around such district and to erect, keep up and keep shut, all gates across any road in such district used or traveled by the public which said fences shall be a lawful fence as required by the general laws, and shall be kept up as such, and for the purpose of keeping up said fences and erecting the same, said Court may levy a special tax of not more than one-half of one per cent. on the taxable property within said district each year, or as long as it may be necessary to maintain and keep the gates and fences around said district.

Lawful fence

Sec. 30. Be it further enacted, That if a majority of the voters in the election hereinbefore provided for shall vote against stock law, at any time after the expiration of twelve months therefrom, another election may be held upon the petitions of not less than twelve hundred bona fide voters of said county, asking for such election, which petitions shall be filed with the probate judge of said county at least sixty days before such election. The petition from the voters of each beat shall be filed and kept separate, and each petition shall be accompanied by the affidavit of one or more persons proving the genuineness of the signatures thereto. Upon the filing of such petition the probate judge shall publish a

Time between
elections

Time between
elections

notice thereof in two newspapers published in said county for thirty days, that such petitions are on file in his office subject to public inspection, and that on the day following the adjournment of the next ensuing regular term of the board of revenue of said county a special term of said Court be held to pass upon said petitions, and that persons interested may be heard by said board. It shall be the duty of said board to hold such a special session of not exceeding two days, to pass on the validity of the said petitions and the affidavits accompanying the same shall be prima facie evidence of the genuineness of the same, unless at least five days before the time for hearing the same, written objection shall be made and filed in the probate judge's office by some citizen of the county, which objection shall set out plainly the names objected to and the grounds therefor which shall be, (1), that the signatures objected to are not genuine or (2), that they are not the signatures of bona fide voters of said county. Said objections shall be filed separately to names in each beat, and shall be kept separately by the probate judge. If said board shall find that said petitions, or a sufficient number of names there-to are genuine, it shall order an election to be held on a date not less than thirty nor more than forty days from the date of such order. Said election shall be held without expense to the county and shall be governed in all respects as the election first provided for herein as to notice, tickets, manner of conducting, voters, registrations, returns and penalties. And if a majority of the votes cast in such election shall be for stock law, then the stock law as provided for under this act shall be established and go into effect at the expiration of six months from the date of such election: Provided, further, That if a majority shall not vote for stock law, then any beat in which a majority voting for it, may have the stock law established therein as hereinbefore provided for by fencing said beat against stock.

Beats

Approved February 23rd, 1899.

No. 876)

AN ACT

(S. 481

To authorize the City of Birmingham, the corporate name of which said city is the "Mayor and Aldermen of Birmingham," to buy, build, erect and own, maintain and operate water works for the supply of said city and other consumers with water, and to issue and sell or exchange said bonds for said purposes.

Section 1. Be it enacted by the General Assembly of Alabama, That the board of mayor and aldermen of Birmingham, the corporate name of which said city is the "Mayor and Aldermen of Birmingham," be, and it is hereby authorized and empowered to buy, or to build, erect, maintain and own and operate water works for the supply of said city, and other consumers with water. Water works

Sec. 2. Be it further enacted, That full power be and is hereby given the said board of mayor and aldermen to enter into and make all needful contracts for acquiring a location or locations for machinery and stand pipes, reservoirs, pumps, pipes, hydrants, and valves, buildings and all other parts of such system of water works, and also for rights-of-way for the erection of said water works, full power and authority is hereby given. The said board of mayor and aldermen are authorized and empowered to use any or all of the streets or alleys of said city, and any or all of the public roads of Jefferson county; and in the event said board of mayor and aldermen are unable to contract for other rights-of-way, or the land necessary for securing a location or locations, for stand pipes, reservoirs, pumps, buildings, and all necessary machinery needed in erecting and constructing water works, the said board of mayor and aldermen is hereby authorized and empowered, in order to obtain the same, and the water supply for its stand pipes, reservoirs, pipes, sluice-ways, canals and sewers, to condemn the Contracts, etc

waters of any stream, creek, spring, river, as well as the riparian rights or franchises of any other person, or corporation, and the lands adjacent thereto, by the exercise of the rights of eminent domain, in the manner provided by law, for the condemnation of lands for public uses: Provided, however, That nothing in this section shall be applied or construed to fix a limit of time, within which said board of mayor and aldermen shall exercise the rights of eminent domain, as herein conferred.

Regulations

Sec. 3. Be it further enacted, That said board of mayor and aldermen shall be and it is hereby invested with full power and authority to make all proper regulations for preserving, maintaining and operating such water works when established, and to prescribe and collect such rates for water supplied, as it may deem proper: Provided, however, That such rate shall not exceed the usual and customary rates charged by other cities, similarly situated for like services. And the said board of mayor and aldermen shall be, and it is hereby authorized and empowered, to extend such water works system in any part of the County of Jefferson, it may deem proper, and in such event all the powers conferred upon and given to the said board of mayor and aldermen by this act shall apply to such portions of such water works system.

Bonds

Sec. 4. Be it further enacted, That for the purpose of defraying the cost of purchasing or building, erecting and extending or enlarging such water works system, as authorized in this act, said board of mayor and aldermen is hereby authorized and empowered by ordinance or ordinances, to be by said board adopted, to cause to be executed, sold or exchanged, bonds not exceeding in amount one million dollars (\$1,000,000.00), with interest coupons attached, payable in such money of the United States of America as said board may contract for, and bearing interest at a rate not exceeding five per cent. and payable semi-annually, said bonds not to run for a period of more than thirty years; and said board of mayor and alder-

men are hereby authorized and empowered to further secure the payment of said bonds and interest coupons by causing to be executed a lien or liens, in the form of a mortgage or trust deed, or other form of lien, which may be agreed to by said board, on the property of every kind and description, established and purchased by said city, under the provisions of this act, and said lien or liens shall be a valid lien, whether the property on which it is given is at the time of the execution thereof owned by the city, or subsequently acquired, both in law and in equity.

Sec. 5. Be it further enacted, That said board of mayor and aldermen shall by contract agree to appropriate the entire net income of said water works plant to the payment of the interest on said bonds, and to a sinking fund to liquidate and pay off said bonds, the current interest to be first paid; and the net income from said water works plant is hereby made a trust fund in the control and management of said board, to be so applied to said interest and sinking fund, and the conversion of the same to any other purpose is hereby declared to be embezzlement, and shall be punished as such: Provided, however, Such income may be applied to enlarging or extending said plant after the current interest is first provided for out of said income.

Income from
water works

Sec. 6. Be it further enacted, That said board of mayor and aldermen are hereby authorized and empowered, by ordinance or ordinances, resolution or resolutions, one or both, to fix or agree the rate of interest said bonds shall bear, not exceeding the rate herein above named, and to fix the period of time for which said bonds shall run, not exceeding thirty years, and said board shall prescribe a denomination of said bonds, as well as their form, provisions and stipulations. Said bonds, coupons and paper writing or writings, evidencing the lien or liens, as herein authorized, shall be signed by the mayor of said city, and countersigned by the city clerk, and the seal of said city shall be affixed to the bond and paper-writings, evidencing said lien or liens.

Authority of
mayor and
aldermen

Sec. 7. Be it further enacted, That said board of mayor and aldermen are hereby authorized and empowered to adopt such resolution or resolutions, ordinance or ordinances, and generally to do all things, not contrary to this act, or the laws of Alabama, as may be necessary and proper, to fully carry into effect the purposes of this act.

Sinking fund

Sec. 8. Be it further enacted, That said board of mayor and aldermen are hereby authorized, empowered and required to provide a sinking fund by investing the net income of said water works plant in such securities as it may deem safe, so as to further secure the payment of said interest and principal of said bonds.

Election

Sec. 9. Be it further enacted, That before said board of mayor and aldermen shall buy, build or erect said water works and issue bonds to defray the cost of purchasing or building the same, said board shall submit to a vote of the qualified voters of said city the question of issuing bonds for said purpose, and if a majority of said voters shall vote in favor of issuing bonds for such purpose, then said water works shall be purchased or built by said city.

Sec. 10. Be it further enacted, That said board of mayor and aldermen are authorized and empowered to fix the time when said question shall be submitted to said voters and to prescribe all such rules and regulations as may be necessary to determine the method in which the question of issuance of said bonds shall be submitted and as to the form of the ballots therefor: Provided, That the rules, regulations and law of holding and conducting and declaring the result of elections in said city, as far as the same are applicable, shall govern any election held under this act; provided further, that said board may adopt such other rules or laws, not inconsistent with State law, in conduct of said election as it may deem proper.

Repeal

Sec. 11. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved February 23rd, 1899.

No. 877)

AN ACT

(S. 507

To authorize the City of Birmingham, Alabama, the corporate name of which said city is the "Mayor and Aldermen of Birmingham," to establish, purchase, maintain and operate and own gas works for the purpose of supplying said city and other consumers with gas for light and power.

Section 1. Be it enacted by the General Assembly of Alabama, That the City of Birmingham, Alabama, the corporate name of which said city is the "Mayor and Aldermen of Birmingham," be and it is hereby authorized and empowered to establish or purchase and own, maintain and operate gas works for the purpose of supplying said city and other consumers with gas for light and power.

Sec. 2. Be it further enacted, That for the purpose of paying or defraying the cost of establishing or purchasing such gas works and extending or enlarging the same, as authorized in this act, the said board of mayor and aldermen of said city is hereby authorized and empowered, by ordinance or ordinances, to be by said board adopted to cause to be executed, sold or exchanged bonds, not exceeding in amount \$200,000, two hundred thousand, with interest coupons attached, payable in such money of the United States of America as said board may contract for, and bearing interest at a rate not exceeding five per cent., payable semi-annually. Said bonds to run for a period of not more than thirty years, and said board of mayor and aldermen are hereby authorized and empowered to further secure the payment of said bonds, and interest coupons by executing a lien or liens, in the form of a mortgage or trust deed, or other form of lien, which may be agreed to by said board, on the property of every kind or description, established and purchased by said city, under the provisions of this act, the said lien

shall be a valid lien whether the property upon which it is given at the time of the execution thereof is owned by the city or subsequently acquired, both in law and in equity.

Income

Sec. 3. Be it further enacted, That said board are authorized and required to appropriate the income from said plant to the payment of the interest on said bonds, and to a sinking fund to liquidate said bonds, the current interest to be first paid; and the net income from said gas works is hereby made a trust fund, in the control and management of said board, to be so applied to said interest and sinking fund, and the conversion of the same to any other purpose is hereby declared to be embezzlement and shall be punished as such.

Bonds

Sec. 4. Be it further enacted, That said board of mayor and aldermen are authorized by ordinance or ordinances, resolution or resolutions, one or both, to fix or agree on the rate of interest that said bonds shall bear, not exceeding the rate herein above named, and to fix the period of time for which said bonds shall run, not exceeding thirty years, and said board shall prescribe the denomination of said bonds, as well as their form, provisions and stipulations. Said bonds, coupons, and paper-writing evidencing the lien or liens as herein authorized, shall be signed by the mayor of said city, and countersigned by the city clerk, and the seal of said city shall be fixed to the bonds and paper-writings evidencing said lien or liens.

Right of way

Sec. 5. Be it further enacted, That said board of mayor and aldermen is hereby authorized and empowered to contract for such rights-of-way as may be necessary in erecting, constructing and establishing or extending said gas works and in the event it cannot so contract, then the board of mayor and aldermen is hereby authorized and empowered, in order to obtain the same, to condemn to the use of rights-of-way lands by the exercise of the rights of eminent domain, in the manner provided by law for the condemnation of land for public uses: Provided, however, That nothing in

this section shall be applied or construed to fix a limit of time, within which said board of mayor and aldermen shall exercise the right of eminent domain herein conferred.

Sec. 6. Be it further enacted, That said board of mayor and aldermen are hereby authorized and empowered to adopt such resolution or resolutions, ordinance or ordinances, and generally do all things not contrary to this act or to the laws of Alabama, that may be necessary to properly carry into effect the purpose of this act. Authority

Sec. 7. Be it further enacted, That said board of mayor and aldermen are hereby authorized and empowered and required to provide a sinking fund by investing the net income of the said plant in such securities as it may deem safe, so as to further secure the payment of said interest and principal of said bonds. Sinking fund

Sec. 8. Be it further enacted, That said board is authorized and empowered to fix rates for consumers, and the said board is authorized and empowered to extend, enlarge or improve said plant from time to time as it may deem proper, and to pay for such extension, enlargement and improvement out of the income of said plant. Rates

Sec. 9. Be it further enacted, That before said board of mayor and aldermen shall buy, build or erect said gas works and issue bonds to defray the cost of purchasing or building the same, said board shall submit to a vote of the qualified voters of said city the question of issuing bonds for said purpose; and if a majority of said voters shall vote in favor of issuing bonds for such purpose then said gas works shall be purchased or built by said city. Election

Sec. 10. Be it further enacted, That said board of mayor and aldermen are authorized and empowered to fix the time when said question shall be submitted to said voters and to prescribe all such rules and regulations as may be necessary to determine the method in which the question of the issuance of said bonds shall be submitted and as to the form of the ballots therefor: Provided, That the rules, regulations and laws of holding

and conducting and declaring the result of elections in said city, as far as the same are applicable, shall govern any election held under this act; provided, further, that said board may adopt such other rules or laws not inconsistent with the State law in the conduct of said election as it may deem proper.

Repeal

Sec. 11. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved February 23rd, 1899.

No. 879)

AN ACT

(H. 621

To amend an act to regulate the amount of fees to be received by witnesses attending Court in criminal cases, or before the grand jury, or any other criminal proceedings, so far as the same relates to the County of Tuscaloosa, and regulate the payment of such fees, approved February 18th, 1895.

Witness fees

Section 1. Be it enacted by the General Assembly of Alabama, That an act, entitled "An act to regulate the amount of fees to be received by witnesses attending Court in criminal cases or before the grand jury, or any other criminal proceedings so far as the same relates to the County of Tuscaloosa, and regulate the payment of such fees," approved February 18th, 1895, be amended so as to read as follows: "Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act witnesses attending under subpoena any Court in Tuscaloosa county as witnesses in criminal cases or before the grand jury of said county, or any other criminal proceedings in said county, shall be allowed seventy-five cents per day and also three cents per mile for each mile to and from their residences by the usually traveled route, and all necessary ferriages, tolls of turnpikes and toll bridges: Provided, The provisions of this act shall not be so construed as to conflict in any manner with the provisions of general convict laws of the State.

Approved February 23rd, 1899.

No. 880)

AN ACT

(H. 637

To grant additional powers to the Eutaw Male and Female High School, and to relieve the said Eutaw Male and Female High School from the payment of taxes so long as the property of said school is used for school purposes.

Section 1. Be it enacted by the General Assembly of Alabama, That the Eutaw Male and Female High School, a body corporate under the general laws of the State of Alabama, be and is hereby authorized and empowered through its board of directors, or trustees, or their successors, to elect professors and teachers, one of whom they shall make president, who, when so elected, shall constitute the faculty of said Eutaw Male and Female High School: Provided, That the incorporators of said school, or their successors, may delegate the power of election of professors and teachers to any person or persons who may become their lessors. Faculty

Sec. 2. Be it further enacted, That the faculty under the supervision of the board of trustees or directors of said Eutaw Male and Female High School, may instruct in any of the arts and sciences, and may grant certificates in all branches of study completed by the students in said high school. But such certificates shall not entitle the holder thereof to teach in public schools without an examination. Certificates

Sec. 3. Be it further enacted, That all of the property, real and personal, belonging to said Eutaw Male and Female High School shall be, and is hereby exempted from all taxation from and by the State, county and town in which said school is located, so long as said property is used for school purposes. Taxes exempt from

Sec. 4. Be it further enacted, That this act shall go into effect and be operative immediately on its passage and approval by the governor.

Approved February 23rd, 1899.

No. 881)

AN ACT

(H. 923

To remove the disabilities of non-age of William J. Pearson, a minor, under the age of eighteen years.

Relief

Section 1. Be it enacted by the General Assembly of Alabama, That William J. Pearson, a minor, under the age of eighteen years, residing in the County of Tuscaloosa, and State of Alabama, be, and he is hereby relieved from all the disabilities of non-age, and shall have the right to sue and be sued, contract and be contracted with, to buy, sell and convey, real estate, and generally to do and perform all acts which said minor could lawfully do if twenty-one years old.

Approved February 23rd, 1899.

No. 882)

AN ACT

(H. 1094

To regulate the fine and forfeiture fund of Blount County.

Registration
of claims

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the treasurer of said county to number and register, in the order in which they are presented, all claims against the fine and forfeiture fund, which have been duly authenticated as claims against such fund, such register showing the number of such claim, the date presented for registration, to whom payable, when it accrued, the character of the amount thereof, and shall pay such claims in the order of their registration.

When barred

Sec. 2. Be it further enacted, That all claims due from and payable out of said fine and forfeiture fund shall be presented to the county treasurer for registration within twelve months from the time they become payable, or they shall be forever barred, and the same shall not be regis-

tered nor received in payment for any fine or forfeiture or other debt due the county; but claims which have already been registered, as now provided by law, shall not be required to be registered and: Provided, That the owners of all outstanding unregistered claims shall have twelve months from the passage of this act to present their claims for registration, but no claim bearing date more than twelve months prior to the approval of this act shall be registered or paid.

Sec. 3. Be it further enacted, That State witnesses tickets payable out of the fine and forfeiture fund and the fees of the officers of Court accruing from and after the passage of this act payable out of the said fund, shall be receivable for any fine and forfeiture due the county for the value expressed by said tickets and officers claims. Receivable for

Sec. 4. Be it further enacted, That all claims due the officers of Court arising from criminal cases in Blount county, payable out of the fine and forfeiture fund, shall be itemized and sworn to by such officer and examined and approved by the judge of the Court in which the case arose and the same shall be registered as provided by Section 1 of this act. Claims

Sec. 5. Be it further enacted, That the county treasurer, on the payment of any claim, or when any claim shall be paid into the county treasury, must cancel the same by defacing or mutilating so as to show that it is of no further value and shall mark on his register of said claim that the same is paid, the date, to whom, and on what account. Cancel

Sec. 6. Be it further enacted, That the county treasurer shall receive five per cent. of the amount of all claims or cash paid to or received by him on any fine and forfeiture due the county as compensation for the service required of him by this act, in no case exceeding the aggregation sum of two hundred and fifty dollars in any one year, and such compensation shall be preferred in payment out of any cash received on account of any fine or forfeiture to all other claims against said fine and forfeiture fund. Compensation

Repeal

Sec. 7. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act is hereby repealed.

County con-
victs

Sec. 7½. Be it further enacted, That all the hires of the convict labor of said county shall be received by the county treasurer and placed to the credit of the fine and forfeiture fund, and shall be disbursed by him according to provisions of this act; and said hires of convicts shall only be payable in lawful money of the United States.

Approved February 23d, 1899.

No. 883)

AN ACT

(S. 466

To authorize the Board of County Commissioners of Etowah County to build macadamized or turnpike roads, and to issue bonds of the county to aid in the construction thereof.

Bonds

Section 1. Be it enacted by the General Assembly of Alabama, That the board of county commissioners of the County of Etowah, be and are hereby authorized to issue bonds of said county of Etowah to an amount not exceeding one hundred thousand dollars, or so much thereof as said board of county commissioners, from time to time, may deem necessary for the purposes hereinafter named, that the amount of said bonds shall be in sums of five hundred dollars each, and shall be numbered from one to two hundred consecutively; and payable at such place or places as said such time or times, not exceeding thirty-five years board of county commissioners may designate, at from the date thereof, as may be designated by said board of county commissioners. Said bonds to bear interest at a rate not exceeding five per centum per annum, evidenced by coupons attached, and payable semi-annually to bearer. Said bonds shall be exempt from county and municipal taxation: Provided, That after the expiration of twenty years from the date of the issuance of said bonds, the said board of county commissioners may pay off and redeem annually not more than

ten thousand dollars of said bonds, beginning at number one, and redeem consecutively until all of said bonds have been paid off and discharged.

Sec. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall be signed by the probate judge of said county, with the seal of said office attached, and the facsimile signature of the probate judge of said county on the coupons of said bonds shall be equivalent to a manual signature thereof, and the probate judge of said county must keep a correct record of all the bonds issued and disposed of under this act.

Signed by

Sec. 3. Be it further enacted, That the said board of county commissioners of said County of Etowah are hereby authorized to do any and all things as authorized by this act that may be necessary to carry out the powers hereby granted, either through themselves or by any agent or agents duly appointed by them for that purpose at any term of said board of county commissioners, whether at a regular or special term thereof, and no technical informality, irregularity, neglect or omissions in the proceedings or records of said board of county commissioners shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection of commercial paper.

Authority of
commis-
sioners

Sec. 4. Be it further enacted, That the board of county commissioners of said county are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than par—100 cents on the dollar—and the proceeds of said bonds shall be paid over to and kept by the treasurer of said county, and to be issued and applied to pay for the building of and improving the public roads of the county upon a permanent and well-considered system, and for erecting bridges in said county, such use, payment and application of said proceeds to be under the direction and by the authority of said board of county commissioners of said County of Etowah, and the said county treasurer to be responsible for the safe keeping of all the proceeds arising from the sale of said

Proceeds

bonds, which may come into his hands in his official capacity, the same as for other county funds or money in his hands as such treasurer; and there shall be no commission paid said county treasurer for disbursing the funds arising from the sale of the bonds named in this act.

Payment of
claims

Sec. 5. Be it further enacted, That it shall be unlawful for said board of county commissioners or any member thereof, or any of the officers of said County of Etowah, to apply the proceeds of the sale of said bonds issued by the authority of this act to any other purpose than that heretofore specified, but every account and claim incurred by said county for the building of and improving the public roads of the county shall be presented to and audited by said board of county commissioners as is now required by the general laws of the State of Alabama for all general claims against the respective counties of said State, and when any account or claim is approved and allowed by said board of county commissioners, it shall then be the duty of the probate judge of said county to issue a warrant on the county treasurer of said county in the amount so allowed, and the treasurer shall pay the same out of said funds, but in no event shall the probate judge of said county issue a warrant on said county treasurer against said fund before the claim therefor has been audited and allowed by said board of county commissioners.

Engineer

Sec. 6. Be it further enacted, That before said board of county commissioners of said county shall begin to build and improve said public roads, they shall employ a competent civil engineer, who shall make plans and specifications of said roads to be built and improved, which shall include the estimated cost of every mile of said roads, which plans and specifications must be reduced to writing and submitted to said board of county commissioners, and said board of county commissioners shall build and improve said roads according to said plans and specifications with such modifications as may be agreed upon between them and said civil engineer. It shall be the duty of said

civil engineer to generally supervise the construction and improvement of said roads, and to see that they are built and improved according to said plans and specifications, and as said roads are completed he shall report to said board of county commissioners the fact that certain roads are completed and whether or not they have been completed according to said plans and specifications. Said civil engineer shall enter into a penal bond in the sum of five thousand dollars, payable to the judge of probate of said county for the benefit of said county, conditioned upon the faithful performance of his duties, which said shall be approved by said board of county commissioners.

Sec. 7. Be it further enacted, That the coupons attached to said bonds herein authorized to be issued shall, as they respectively mature and become payable, be receivable for all county taxes and county dues in said County of Etowah. Taxes

Sec. 8. Be it further enacted, That none of said bonds shall be issued before the 1st day of September, 1899. When issued

Sec. 9. Be it further enacted, That before any of the bonds provided for in this act shall be issued, the question shall be submitted to the qualified voters of Etowah county for their consideration, at an election to be held on the 3rd day of July, 1899, whether or not they are in favor of the improvement of said public roads; that it shall be the duty of the sheriff and other officers in said County of Etowah, charged by law with the superintendence and returning of the said election, as aforesaid, to open a poll for the vote of the qualified electors on the proposed improvement of said public roads, said sheriff or other returning officer to make a return of said vote to the probate judge of said county within the time and in the manner prescribed by law for making return of the election aforesaid; that the vote at said election on said proposed improvement of the public roads shall be by ballot, the ballot to be a plain piece of white paper of the size and description now provided by law for the ballot cast at general elections, and to have printed or written, Election

or partly printed and partly written upon it, those for said proposed improvement of the public roads, "For issuing bonds to improve public roads." "Against issuing bonds to improve public roads," and if a majority of the qualified voters of said county voting at said election vote for the improvement of said public roads, then the said board of county commissioners shall negotiate and sell the said bonds provided for in this act for the purposes herein named.

Penalty

Sec. 10. Be it further enacted, That for a breach in the performance of the duties herein prescribed, the sheriff, or other officer charged with the superintendence of said election, shall forfeit the sum of five hundred dollars, to be sued for and recovered as in cases of other forfeitures by public officers to the State; and it is hereby made the duty of the judge of probate of said county, within sixty days after said election, to notify the county solicitor of the failure of such sheriff or other officer.

Results

Sec. 11. Be it further enacted, That if it shall appear from said returns that a majority of all the qualified electors of said county who voted at such election, voted in favor of the proposed improvement of the public roads, the judge of probate of said county shall immediately certify such result to the board of county commissioners of said county.

Publication

Sec. 12. Be it further enacted. That the judge of probate of said county shall cause notice of the submission of the question of the proposed improvement of said public roads vel non as hereinabove provided for, to be published at least in one newspaper in the City of Gadsden, in said State, at least thirty days before the said election.

Approved February 23rd, 1899.

No. 884)

AN ACT

(S. 512

For the relief of Dora Ryan, Guy Ryan, and Maude Ryan, minors of Morgan County, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That Dora Ryan, Guy Ryan and Maude Ryan, minors of Morgan county, Alabama, be and they are hereby, severally relieved from the disabilities of non-age, and are severally invested with the right to sue and be sued, contract and be contracted with, to buy, sell and convey real estate, and generally to do and perform all acts which they or any of them could lawfully do if twenty-one years of age.

Approved February 23rd, 1899.

No. 885)

AN ACT

(S. 216

To repeal so much of the act entitled "An act to prohibit the sale, giving away, or otherwise disposing of any alcoholic, vinous or malt liquors or other intoxicating drinks or beverages within three miles of Wesleys Chapel, in Shoalford Beat, also Beats 5, 6 and 7, known respectively as Gilbertsboro, Wickham and Pleasant Grove, in West Limestone County, as applies to Beats 5, 6 and 7.

Section 1. Be it enacted by the General Assembly of Alabama, That so much and such part of said act, approved February 17th, 1897, as applied to Beats 5, 6 and 7, known respectively as Gilbertsboro, Wickham and Pleasant Grove, be and the same is hereby repealed: Provided, That this repeal shall take effect from and after January 1st, 1900.

Approved February 23rd, 1899.

No. 886)

AN ACT

(S. 525)

To authorize an election to be held in Wilcox County as to whether the provisions of an act entitled "An act to authorize municipal and other sub-divisions of the State to buy and sell spirituous, vinous and malt liquors, and to further regulate or prohibit the sale of such liquors," approved February 18th, 1899, shall apply to Wilcox County and to declare the effect of such election.

Petition

Election

Be it enacted by the General Assembly of Alabama, as follows, to-wit: Section 1. Fifty men, who are both householders and freeholders owning land, or an interest in land, situated in Wilcox county, Alabama, may file with the judge of probate of said county a petition asking that an election shall be ordered by him upon the question as to whether the provisions of an act entitled "An act to authorize municipal and other sub-divisions of the State to buy and to sell spirituous, vinous and malt liquors, and to further regulate or prohibit the sale of such liquors," approved February, 1899, shall apply to Wilcox county in the same manner and to the same extent as if said county was not excepted from the provisions of said act by virtue of Section thirteen (13) of said act. Within sixty days after the filing of said petition said judge of probate shall order that an election for the purpose above set forth shall be held in said county on some day not less than thirty-five nor more than one hundred and twenty-five days after the filing of said petition. Notice of such election shall be given in the same manner as the notice of elections for county officers is given, except that said notice shall be given by the probate judge of said county. All persons who are entitled to vote for candidates for probate judge or other county officers of said county in any regular elections, at which candidates for such offices may

be voted for, shall be entitled to vote at the election herein provided to be held. Ballots shall be prepared and furnished on which the words "For Dispensary" and the words "Against Dispensary" shall be printed, the words "For Dispensary" being printed on the line of the ballot, and the words "Against Dispensary" on a line underneath. Voters who wish that the provisions of said act shall apply to Wilcox county, shall, when voting, make a cross mark (X) opposite and in front of the words "For Dispensary," and the voters who do not wish that the provisions of said act shall apply to said county, shall, when voting, make a cross mark (X) opposite and in front of the words "Against Dispensary" on the ballot. The said election shall be conducted and held in the same manner in all respects, as far as the statutes of the State are applicable, as elections for tax collectors and other county officers, are conducted and held, and the returns shall be canvassed, counted and published in the same manner as elections for county officers are canvassed, counted and published. If it appears from the returns as promulgated that a majority of the voters voting at said election have voted "For Dispensary," then the provisions of said act shall apply to Wilcox county in the same manner and to the same extent as if said county had not been excepted from the provisions of said act by virtue of section thirteen (13) of said act, and said act shall take effect as to said county within ninety days after the promulgation of the result of said election. The intent and purpose of this act is to and does place said Wilcox county under the control and operation of said act approved February, 1899, as if there was no law in said county prohibiting or otherwise limiting, restraining or regulating the sale or disposition or vinous, spirituous, or malt liquors; and so as to authorize, empower and require the setting up, establishing and maintaining the dispensary system as provided in said act approved February, 1899. The right to appeal from the result of said election shall be as provided by the laws now in force for appeals

Election

from elections of judges of probate. All laws and parts of laws with reference to the prohibition or limitations or regulations on the sale or other disposition of vinous, malt or spirituous liquors in said county are hereby repealed if this act goes into effect in said county.

Penalty

Sec. 2. On the day of said election, and on the day before, no spirituous, vinous or malt liquors, or intoxicating drinks shall be sold or given away in said county. And any one who violates the provisions of this section shall be guilty of a misdemeanor, and on each conviction shall be fined not less than one (\$1.00) nor more than one hundred (\$100.00) dollars.

Election

officers

Sec. 3. At the election provided for in this act, the executive committee or committees of the party which favor the dispensary system for said county, and the executive committee or committees of the party which is opposed to the dispensary system for said county, shall each have the right to name inspectors, clerks, and markers for the several precincts of the county in the same manner in which committees of different political parties are authorized to name inspectors, clerks and markers at elections for county officers.

Fees

Sec. 4. The fees, perquisites, and other expenses incident to said election shall be the same, as the fees, perquisites, and other expenses for similar services in general county elections, and shall be paid by the said county.

Approved February 23rd, 1899.

No. 887)

AN ACT

(S. 342

To provide for the making, working and maintaining the public roads of Blount county, Alabama.

Work on public roads

Section 1. Be it enacted by the General Assembly of Alabama, That all male persons in Blount county between the ages of eighteen and forty-five years, who are able to perform or cause to

be performed the labor herein required, except persons who have lost an arm or a leg; township trustees, so long as they shall continue in office; persons residing within the limits of any municipal corporation during the time of his residence therein; and all persons who by nature or disease are rendered permanently incapable of hard labor, who shall procure and have a certificate of such incapacity from the county board of health, shall be liable annually to perform five days labor on the public roads under the direction of the supervisor herein provided for of the precinct in which he may reside: Provided, That any person liable to road duty may discharge such liability by paying five dollars annually, or may pay a part in labor and a part in money at one dollar per day, the money so paid to be collected as herein provided; provided, further, that the Commissioners Court at any regular term may, by order entered on the minutes of the Court, reduce the number of days which persons are required to work in that year to six days.

Sec. 2. Be it further enacted, That the Court of County Commissioners, or board of revenue, at its next regular term after the passage and approval of this act, and at its last regular term in every fourth year thereafter, must appoint two apportioners for each elections precinct in the county, who shall once in each year make out a list in duplicate of all persons within their election precinct subject to work on the public roads, within fifteen days after being served with a notice or copy of their appointment, and not later than the 15th day of January each year thereafter, one of which said lists must be delivered to the commissioner of the district in which is located the election precinct and the other list to the supervisor of the precinct, which lists must be corrected in duplicate from time to time as may be necessary during their term of office. In case of a vacancy in the office of apportioner should occur, the commissioner of the district shall appoint a competent person of the precinct, who shall hold for the remainder of the unexpired term.

Special tax

Sec. 3. Be it further enacted, That the Court of County Commissioners, at the term commencing on the first Monday in June, annually, shall levy a special tax not to exceed one-tenth of one per cent on the value of all taxable property in Blount county assessed for revenue for the State, which shall be a part of the one and one-half mills now authorized by the Constitution to be levied for county purposes, to be assessed and collected as other taxes, and this fund is hereby set apart and designated as the "Road Fund" of Blount county, and no part thereof shall be used for any purpose other than making and maintaining the public roads of said county in good order, and defraying the necessary expenses incident thereto.

Supervisors

Sec. 4. Be it further enacted, That there shall be one supervisor of public roads in each election precinct in said county, and that such supervisors shall be appointed and employed by the Commissioners Court, and may be appointed and employed at any regular or special term of said Court, whose term of appointment and employment shall expire at the first regular term of said Court in the year following next after the year in which they are appointed and employed, and such supervisors may be removed or discharged at any time by said Court by an order made and entered upon the minutes of the Court to that effect.

Duties

Sec. 5. Be it further enacted, That every supervisor shall call out, or cause to be called out, all persons subject to work the roads in his precinct at his discretion, but not to exceed five days annually, unless to remove trees or other obstruction out of the road. Said supervisor shall be subject to a fine of two dollars (\$2.00) for each day he allows an obstruction to remain in the roads over 24 hours after being notified: Provided, He may collect from each person in lieu of such work at the rate of one dollar per day. It shall be his duty to warn each person one full day prior to the day named for the performance of the labor, either in person or by written notice left at his usual place of abode. Should any person in his precinct subject to road

duty be omitted from the list of hands furnished him by the apportioners of the precinct, he shall add such persons to said list, and at once notify the apportioner, and he shall warn such persons to work as herein provided. He shall keep a book in which shall be kept alphabetically the names of all persons subject to road duty in his precinct; the number of days worked by each person; the amount of money paid to him in lieu of work, by whom paid and when paid; the number of days he has worked and the number of hands worked by him each day. He shall appear before the Commissioners Court and produce said book for their inspection at such term or terms of said Court as may be required in the contract made with him by the Court. He shall perform all other duties that may be required of him by the terms of the contract he may make with the Court as to the working, maintaining and making public roads in his precinct.

Sec. 6. Be it further enacted, That said supervisors shall be paid a reasonable compensation for their services while engaged in the actual discharge of their duties under this act and the contract they may make with the Court of County Commissioners, to be fixed in the contract, not to exceed one dollar per day for himself, and fifty cents per day for horse and plow, which shall be paid out of the road fund herein provided for, upon warrant issued for the same upon the order of the Court. Compensation

Sec. 7. Be it further enacted, That the supervisors herein provided for shall have authority to issue a receipt or certificate of exemption to any person subject to road duty in his precinct upon the payment to him by such person the sum of five dollars; and such person shall be exempt from further road duty during the year in which the same is paid. Road tax

Sec. 8. Be it further enacted, That the supervisors herein provided for must settle with the Commissioners Court annually, and oftener if so stipulated in the contract with the Court. And upon removal or resignation they must settle with the Settlements

- Court at the next regular or special term of said Court held after such removal or resignation.
- Liability of supervisor Sec. 9. Be it further enacted, That the supervisor upon any settlement with the Court of County Commissioners must account for all money collected by him in lieu of work; and if any supervisor has carelessly or negligently failed to warn and work all persons in his precinct subject to road duty, upon any settlement with the Court he shall account for and be held liable for all such labor not performed at the rate of fifty cents per day, which shall be deducted from the amount that may be due him under the contract with the Court.
- Road fund Sec. 10. Be it further enacted, That all money paid to the supervisors in lieu of work, and all sums for which they may be found liable upon any settlement, and not accounted for by deducting the same from their compensation, must be collected in the name of the county and paid into the county treasurer and placed to the credit of the road fund of the county.
- Bond Sec. 11. Be it further enacted, That each supervisor upon his appointment, and before any contract for the working, maintaining and making public roads in any precinct shall stand approved by the Court, he must execute a bond in such sum as may be prescribed by the Court upon its minutes, or as may be stipulated in the contract with said supervisor, with at least two good and sufficient sureties thereon, payable to Blount county, conditioned for the faithful performance by him of the duties required by law, and the faithful and full compliance with the terms of the contract with the Court.
- Commissioners Sec. 12. That every commissioner shall have the immediate supervision of the roads in his district, and shall personally go over and carefully examine the public roads in his district as often as may be necessary, and no compensation or payment shall be made to any supervisor until the commissioner having supervision of the precinct shall have examined the public roads therein and report to the Court that

the same are and have been maintained in good order, and that the terms of the contract with the supervisor have been complied with.

Sec. 13. Be it further enacted, That the contracts with the supervisors shall be in writing, and in such terms and provisions as may be deemed by the Court best adapted to carry into effect the intention of this act and secure the best results; that the contracts made hereunder must be filed with the Court, and must be kept in the office of the probate judge of the county as part of the files of said Court. Contracts

Sec. 14. Be it further enacted, That all funds now in the county treasury, or that may hereafter be paid into the county treasury, arising from any taxes levied under Section 2, of an act entitled "An act to authorize the Commissioners Court of Blount county to levy a tax for working the public roads of said county, and to let out said roads by contract," approved February 16th, 1897, be and the same are hereby set apart and designated and placed to the credit of the "Road Fund," created and established by this act. Road fund

Sec. 15. Be it further enacted, That any person subject to road duty under this act after being warned by the supervisor, or some one designated by him and acting for him, refuse or neglect to attend at the time and place, by himself or substitute, the substitute to be accepted by the supervisor, or having attended, refuses to obey the directions of the supervisor, or spend his time in idleness or inattention to the duties assigned him, he shall forfeit and pay as a penalty the sum of two dollars for every such offense, to be recovered in the name of the county on motion made against him before any competent justice of the peace in the precinct, upon three days notice in writing, to be served upon him in person by the supervisor or the constable of the precinct. And all money so collected must be accounted by the supervisor on his settlement with the Court, or paid into the county treasury to the credit of the road fund. Defaulter

Penalty

Sec. 16. Be it further enacted, That any person, liable to road duty under this act, who wilfully fails or refuses, after legal notice, to work the public roads, or comply with the provisions of this act in reference to the working of the public roads, either in person or by substitute, without a sufficient excuse therefor, must, on conviction, be fined not less than one dollar, nor more than three dollars, for each day he is so in default, and may also be imprisoned in the county jail, or put to hard labor for the county, for not more than twenty days, and the fine hereby imposed, must be paid in money, and when collected, must be paid into the county treasury to the credit of the "road fund."

Z

Change of
residence

Sec. 17. Be it further enacted, If a person subject to road duty remove from one precinct to another, who has, prior to such removal, performed during the year, the whole or any part of the labor upon the roads required of him under the provisions of this act, or in any way has paid the whole or any part of the money in lieu of such work, and produce a receipt for the same from the supervisor of the proper precinct, such receipt shall be a complete discharge for the amount therein specified; but without producing such receipt he shall be required to perform labor on the public roads of the precinct to which he may have removed as required by the provisions of this act.

Duty of
employers

Sec. 18. Be it further enacted, That it shall be the duty of every person, firm, association or corporation employing more than three men, to furnish, on the application of any apportioner, or the supervisor of the precinct in which said men are at work, the name of every man in their employ, and to specify, if known to them, the place of residence of every such employed man; and failing and refusing must, on conviction before any justice of the peace of the precinct, be fined not less than three dollars nor more than ten dollars for every man in their employment at the time the application is made, whose name was not furnished to said apportioner or supervisor making the ap-

plication, which fine shall be paid in money, and when collected paid into the county treasury, to the credit of the "Road Fund."

Sec. 19. Be it further enacted, That the apportioners and supervisors of the several precincts in the county, subject to road duty, shall not be exempt; but the Court shall issue to each apportioner a certificate, exempting him from one-half of the time he is liable to work on the roads, as compensation for the services to be performed by them under the provisions of this act; and the Court may, in contracting with the supervisors, stipulate in the contract that said supervisors, on their settlement with the Court, have credit for the six days labor on the roads to which they may be liable for the warning of the hands of their precinct, but not more shall be allowed to them for such services.

Sec. 20. Be it further enacted, That whenever it shall become necessary to make any new road or change any old one in the County of Blount, the party who desires to make or change any such road shall present to the commissioner of the district where such road is situated, an application in writing, signed by at least ten freeholders of the election precinct where the road or a part of it runs, asking that said application be granted; and said application must contain a full and complete description of the proposed road, showing where it begins, where it ends, the name and post-office address of each person, firm or corporation over whose land the road runs.

Sec. 21. Be it further enacted, That within ten days after said application shall be filed with said commissioner, he shall notify the supervisor of the election precinct, and at least one apportioner of said precinct, to meet him on a day to be named by him at a place on said proposed road, when and where they shall proceed to locate, establish and mark out the proposed new road, or change, and keep a correct amount of lands to be taken from each person, firm or corporation over whose lands the said road passes, and the separate

amount of damage which will be done to each by reason of such road passing over their respective premises.

Sec. 22. Be it further enacted, That after said road or change shall be thus established, the commissioner shall, at the next regular term of the Commissioners Court, report the fact to the Court, showing the name and postoffice address of each person, firm or corporation over whose land the proposed road passes, and the amount of damages assessed to each; whereupon the probate judge shall at once issue and have served upon each such firm, person or corporation a notice that such a road has been established upon their lands and the amount of damages assessed to each, appointing a time and place when and where such person, firm or corporation can meet said Court and contest the establishment of such a road, or show cause, if they can, why greater damages should not be awarded them.

Contest

Sec. 23. Be it further enacted, That at the meeting of the Court, when such a contest may be had, if no contest is made, the Court must make and enter upon the minutes of the Court, an order establishing said road, and ordering the county treasurer to pay the sum assessed to each, unless they relinquish the same as hereinafter provided.

Appeals

Sec. 24. Be it further enacted, That either the county, or any person contesting the establishment of such a road, or the amount of damages assessed for the same, dissatisfied with the rulings of the Court, may appeal the same to the Circuit Court of the county, where the same shall be tried de novo by the Court. And in case of any appeal, the probate judge shall certify all the papers and records to the Court where the same is to be tried; and any party appealing must give bond, as in other cases of appeal, for the costs: Provided, That no bond shall be required of the county; and in the event the county fails, no costs shall be taxed or collected against the county.

Sec. 25. Be it further enacted, That the notice herein provided for may be served by the supervisor or sheriff, and for each of said notices they

shall be entitled to a fee of twenty-five cents each for serving and returning to the Court. And any person who is a non-resident of the county, it shall be a sufficient notice to such person, firm or corporation for the probate judge to mail a notice addressed to the person at his given address. Notice

Sec. 26. Be it further enacted, That any person, firm or corporation, in order to get such a road established, may file a relinquishment with the commissioner of the district of his right to claim the damages assessed for him; and upon such relinquishment being so filed, no compensation shall be allowed him by the Court. Relinquish-
ment

Sec. 27. Be it further enacted, That when no contest is had, or a contest had and the amount of compensation shall be allowed by the Court, the order of the Court establishing said road shall be a condemnation of the lands thus taken for a public highway so long as the same shall be kept as such by the county.

Sec. 28. Be it further enacted, That all laws and parts of laws, of a general or special character, in conflict with the provisions of this act, be and the same are hereby expressly repealed, in so far as they relate to Blount county. Repeal

Approved February 23d, 1899.

No. 888)

AN ACT

(H. 902

To prevent stock from running at large in certain parts of Marengo County, in, to-wit: Faunsdale Precinct.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall not be lawful for stock of any kind to run at large in all that part of Marengo county described as follows, to-wit: in Faunsdale precinct.

Sec. 2. Be it further enacted, That any stock running at large in any part of Marengo county described and mentioned in Section 1 of this act, and trespassing upon the lands of any person other than the owner of said stock, the party so Taking up

Fees	<p>trespassed upon may take up and impound such stock in some place of safe keeping, giving them necessary food, water and attention, and in compensation for such attention shall receive a fee of twenty cents per day per head for each hog, sheep, goat or animal of their kind, and forty cents per day per head for each cow or animal of the cow kind, and fifty cents per day per head for all other stock: Provided, The party impounding such stock be entitled to charge a fee for one day immediately on impounding the stock, and shall not charge a second fee until after the expiration of twenty-four (24) hours from the time such stock was impounded. When any stock has been so impounded notice in writing shall be given the owner, if known, within twenty-four (24) hours after the stock is impounded; and if the said owner fail for two days after receiving such notice, to claim said stock and pay all fees provided for in this act, the said stock shall be sold at once, at public auction in some public place in the neighborhood where such stock is impounded; if the owner of the impounded stock is not known, notice shall be given in twenty-four (24) hours by posting notice in three public places in the neighborhood in which the stock is impounded; such notice shall describe said stock, giving marks and brands, if any, and state that unless such stock is claimed by the owner thereof it will be sold at some particular public place in the neighborhood on the eighth day after the date of said notice.</p>
Sale of	<p>Sec. 3. Be it further enacted, That if such sale is made, the party making such sale shall deduct his fees for attention from the proceeds thereof, and shall turn over to the county treasurer of the county the remainder, if any, with his sworn statement as to the proceedings of sale and a copy of the notice above required.</p>
Unknown owner	<p>Sec. 4. Be it further enacted, That if any money is paid into the county treasury from the sale of stock, the same shall be subject to the claim of the owner of the stock sold, and shall be paid to such owner upon his application and proof of the property.</p>
Proceeds	

Sec. 5. Be it further enacted, That any person who causes any live stock to break away from their herd or guards, or to break away when staked out, or who drives said live stock upon the lands of another, or who takes from any lot or place where stock has been impounded, without first having paid the fees required by this act, or who wilfully permits stock to run at large without being herded or guarded, must, on conviction, be fined not more than twenty-dollars, and the offense shall be triable before the justice in the precinct where committed, or if none, in adjoining precinct. Unlawful

Sec. 6. Be it further enacted, That the owner of any stock of the horse or cow kind or sheep, sold under this act, may, at any time within twelve months, redeem said stock by paying to the purchaser the amount of such purchase money, with interest thereon from date of such sale. Redeem

Sec. 7. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed, as to the territory covered by this act. Repeal

Approved February 23d, 1899.

No. 889)

AN ACT

(H. 1326

To incorporate the Supreme Conclave of the Order of Regents of the White Shield of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That S. H. Harris, A. J. Brown, O. T. Dozier, J. C. Miller, W. H. Hunter, W. T. Dozier and J. W. Bush, officers and members of the Supreme Conclave of the Regents of the White Shield of Alabama, and their successors, be and are hereby incorporated and made a body corporate by the name of The Supreme Conclave of the Regents of the White Shield of Alabama, and as such and by said name shall have perpetual succession; may sue and be sued, may plead and be impleaded as natural persons, and may have and use a common seal, and change the same Incorporators
Name
Rights

at pleasure, and be entitled to have and exercise all the powers, rights and privileges as are usually had and exercised by or are incidental to fraternal and benevolent corporations within the State of Alabama.

Powers

Sec. 2. Be it further enacted, That said corporation shall have a constitution and such by-laws as to it may seem proper and reasonable for its own government, and that of its subordinate conclaves; and shall have the power to amend the same at pleasure: Provided, Such constitution, by-laws and amendments to them do not conflict with the laws of this State or of the United States; therein providing for such membership, officers, committees and subordinate conclaves as may be necessary to carry into effect the objects and purposes of this corporation.

Property

Sec. 3. Be it further enacted, That said corporation is authorized to own and hold property, real, personal, and mixed, whether acquired by lease, purchase, donation, gift, bequest or devise, or held in its own or in the name of its subordinate conclaves, which said property may not be divided among the members of said corporation, but shall be held and used and shall descend to their successors for the promotion of the objects and purposes of said corporation; and said corporation shall have the power to lease, mortgage and sell its property and to borrow money.

Public act

Sec. 4. Be it further enacted, That this act shall be deemed and taken as a public act of the General Assembly of the State of Alabama, and shall be taken notice of judicially without being specially pleaded.

Approved February 23d, 1899.

No. 890)

AN ACT

(H. 1083

To fix the time and place of holding Chancery Court in the County of Tuscaloosa.

Times

Section 1. Be it enacted by the General Assembly of Alabama, That Chancery Court shall be held in each year at Tuscaloosa, in the County of Tus-

caloosa, on the first Monday in May and the fourth Monday in October, and may continue one week.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal

Approved February 23d, 1899.

No. 891)

AN ACT

(H. 388

To incorporate the Jefferson Turkish Bath Company.

Section 1. Be it enacted by the General Assembly of Alabama, That Louis Gelders, C. P. Bedow, S. C. Davidson, Ben. M. Meyer and Samuel Swope, and their associates and successors, are hereby constituted and declared a body corporate under the constitution and laws of the State of Alabama, under and by the name of The Jefferson Turkish Bath Company, and by such name shall have perpetual succession, may sue and be sued, plead and be impleaded, answer and be answered unto in all kinds of actions both in law and equity; may receive donations; may purchase property, both real and personal, the same to hold, use or dispose of at pleasure, and to have and to use a common seal. Incorporators
Name
Rights

Sec. 2. Be it further enacted, That said Jefferson Turkish Bath Company shall have the power and authority to adopt such constitution and by-laws not inconsistent with law as may be necessary or proper to the proper selection of officers or agents, and to regulate their terms of office, the number, reception and expulsion or suspension of members, the regulation of fees and dues and the collection thereof, and generally to the Jefferson Turkish Bath Company and the management of its business, and to amend or change the same. By-laws

Sec. 3. Be it further enacted, That the said Jefferson Turkish Bath Company shall have power and authority to own and maintain a library and reading room for the use of its members; to lease Powers

Powers

and purchase such real estate and buildings as may be necessary or proper for its own use; to acquire by purchase or otherwise and retain such personal property as said Jefferson Turkish Bath Company may see proper to acquire and hold; to operate or contract for a restaurant to be operated; to provide for and dispose of to its members, cigars, cigarettes and tobacco, and such disposition shall not constitute a sale thereof, but shall be held and treated as a consumption by such members of their own property; to acquire and operate, for the exclusive use of its members, pool and billiard tables, a gymnasium and bath rooms, and to borrow money, and to secure the same by mortgages and bonds: Provided, however, That no indebtedness shall be created save the current expenses except by consent of two-thirds of the members of the club given at a regular meeting, or at a meeting called for that purpose, of which meeting, and of the time and place of holding the same, and of the purpose for which the same is called, thirty days notice must be given to each member who is at the time in the City of Birmingham, and whose residence is known.

Members

Sec. 4. Be it further enacted, That the location of said club shall be in the City of Birmingham, and the terms members as used in this act, when used in respect to the power and authority of the club to borrow money and execute bonds and mortgages, shall not be construed to mean honorary or non-resident members of the club, and the club shall have authority to prescribe the powers, rights and privileges of all honorary and non-resident members.

Approved February 23d, 1899.

No. 892)

AN ACT

(H. 1181

For the relief of W. T. Robertson, of Montgomery
County, Alabama.

Whereas, It has been shown to the General As- Preamble
sembly that W. T. Robertson did purchase of the
State of Alabama, on the 13th day of December,
1893, Lot No. 7, Block 7, Addition No. 3, New De-
catur, Morgan county, Alabama, at tax sale, and
obtained deed therefor.

And whereas, Said Robertson did pay unto the
State of Alabama the sum of thirty-one and 64-100
dollars redemption fees and taxes.

And whereas, It is shown that said sale of said
lot was illegal; now, therefore,

Section 1. Be it enacted by the General Assembly Appropriation
of Alabama, That the auditor be and he is hereby
authorized and required to draw his warrant on
the treasurer in favor of W. T. Robertson for the
sum of thirty-one and 64-100 dollars, payable out
of any funds in the treasury not otherwise appro-
priated.

Approved February 23d, 1899.

No. 893)

AN ACT

(H. 1487

To amend Section one (1) of an act entitled "An
act to confer additional powers on the trustees
of the Alabama Central Female College, lo-
cated at Tuskaloosa, Alabama," approved Feb-
ruary 18, 1897, and to legalize and validate said
board of trustees as now constituted.

Be it enacted by the General Assembly of Ala-
bama as follows, to-wit: Section 1. Section 1 of
an act entitled "An act to confer additional pow- Sec. 8
ers on the trustees of the Alabama Central Fe- amended
male College, located at Tuskaloosa, Alabama,"
approved February 18, 1897, is hereby amended

Trustees

so as to read as follows: "Section 1. Be it enacted by the General Assembly of Alabama as follows, to-wit: The trustees of the Alabama Central Female College, at Tuskaloosa, shall have authority, by resolutions to be spread upon the minutes of said trustees, to amend Section eight (8) of an act entitled 'An act to incorporate the Alabama Central Female College, in the City of Tuskaloosa,' approved December 19, 1857, so that said section of said act shall read as follows, to-wit: 'Sec. 8. And be it further enacted, That the term of office of each board of trustees shall be two years, at the expiration of which a new election shall be held by any number of the stockholders who may meet at a regular or called meeting. In case the stockholders fail to meet or to elect a new board of trustees, then the existing board shall continue in office until their successors are elected and qualified. Vacancies in the board of trustees may be filled by election by the board, each trustee being entitled to one vote.'"

Sec. 2. The existence of the board of trustees of said college, as said board is now constituted and composed, is hereby legalized and declared to be valid.

Approved February 23d, 1899.

No. 894)

AN ACT

(H. 1463

To amend an act entitled "An act to provide for the extension of stock law in Clay County," approved February 11th, 1897.

How to ob-
tain stock
law

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of the act quoted in the caption of this act be amended so as to read as follows: "Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, that any person or persons living, or owning real property adjacent to a stock law district in the County of Clay, desiring to have any adjacent territory incorporated in such

stock law district for the purpose of preventing stock from running at large in a specified territory adjoining such stock law district, that is now or may be hereafter constituted, may petition the Court of County Commissioners of said county, setting forth the lines of the proposed district to be added to said adjoining stock law district; and if, in the judgment of the said Court of County Commissioners, it will be to the interest of the citizens in said new district to have such additional territory attached or added to such stock law district, and to be governed as now provided by the stock law in said county, or if it appears that a majority of the freeholders owning real estate in such territory so petitioned are desirous of having such territory added, they, the said Court of County Commissioners, must grant an order that the said new district described in such petition shall be a stock law district, in which stock shall not run at large, and shall be governed by the law prohibiting stock from running at large in Clay county, Alabama: Provided, That the citizens living in or owning realty in said newly constituted district shall not be required to build a fence around said newly constituted stock law district."

Sec. 2. Be it further enacted, That the act described in the caption shall be further amended by adding thereto the following additional sections: "Sec. 4. Be it further enacted, That for any damage done by stock running at large in such prohibited territory, the owner of such stock shall be liable to the injured party in actual damage done, to be recovered by suit before any Court having jurisdiction; and any such judgment recovered shall be a lien on the stock so committing the damages; and the Court entering the judgment shall enter therein an order that the officer executing the writ of execution on said judgment shall seize and sell the said stock for the satisfaction of the judgment, unless the said judgment shall at once be otherwise satisfied and settled; and any person knowingly or wilfully suffering

Damages

stock to run at large in such prohibited territory shall be guilty of a misdemeanor, and shall be punished by a fine of not less than five nor more than one hundred dollars. Any stock found running at large in such prohibited territory may be taken up by any person living in such prohibited territory, and the owner thereof cannot recover such stock unless he pays or tenders to the person taking up the same, the cost of feeding such stock during the time it is so taken up, together with the damage actually done to the property or crops of the person so taking up such stock; provided further, that any person taking up stock under this section shall immediately give notice thereof by posting the same with as correct a description of said stock as is practicable in two or more public places in the community where the stock was found, and shall give personal notice to the owner of such stock, if known, and for the giving of such personal notice, he shall be entitled to a fee of twenty-five cents, which must be paid before the owner can require the delivery of the stock. Sec. 5. Be it further enacted, That the prosecutions and civil actions provided for in this act may be tried before any justice of the peace, or notary public with justices jurisdiction, in the beat where the offense or damage occurs, and when the amount of damages does not exceed fifty dollars. If the justice of the peace or notary public is incompetent, or there is a vacancy in such office, then such trial shall be before a justice in some adjoining precinct. For such trials and prosecutions said Justices Courts shall always be open; but three days notice shall be given to the opposite party. Sec. 6. Be it further enacted. That the term 'stock,' where it occurs in this act, shall be construed to include horses, mules, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs. Sec. 7. Be it further enacted, That this act shall not take effect until sixty days from the passage of this act."

Taking up

Trials

Stock

When act goes into effect

Approved February 23d, 1899.

No. 895)

AN ACT

(H. 510)

To make the fees of bonded constables in Marengo and St. Clair counties the same as sheriffs fees when they perform the same service.

Section 1. Be it enacted by the General Assembly ^{Fees} of Alabama, That on and after the passage of this act, the fees of bonded constables of Marengo and St. Clair counties shall be the same as the sheriff's fees when performing the same or like services.

Sec. 2. Be it further enacted, That all laws or ^{Repeal} parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 23d, 1899.

No. 896))

AN ACT

(H. 993)

To establish a separate school district, known as the Warren School District.

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district, to ^{School} be known as the Warren School District, be ^{district} and the same is hereby established, and included within the following boundary lines, to-wit: Beginning at N. E. corner of S. E. $\frac{1}{4}$, Sec. 30, T. 5, R. 22, and running west on said line to N. W. corner of N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$, Sec. 25, T. 5, R. 21; thence south to township line, thence east to range line; thence south on said line to line dividing Sections 7 and 8, T. 4, R. 22; thence east to line dividing Sections 7 and 8; thence north on said line to line dividing N. $\frac{1}{2}$ and S. $\frac{1}{2}$, Sec. 8; thence east to line dividing Sections 8 and 9; thence north on said line to line dividing Sections 29 and 32, T. 5, R. 22; thence west to line dividing Sections 29 and 30; thence north to starting place.

School fund

Sec. 2. Be it further enacted, That said school district shall receive its proportionate share of the public school funds of the State and of said county (Coffee) and the poll tax collected within the district, and the same shall be disbursed as now, or as may be hereafter provided by law.

Approved February 23d, 1899.

No. 897)

AN ACT

(H. 748)

To incorporate the Town of Graysville, Jefferson County, Alabama.

Corporate
limits

Section 1. Be it enacted by the General Assembly of Alabama, That the town of Graysville, in Jefferson county, Alabama, be and the same is hereby incorporated, and the corporate limits of said town shall embrace an area of land as follows: Beginning at the southeast corner of the southeast one-fourth of Section twenty, Township 16, Range four, west; running north one-half mile, west one-half mile, south one-half mile and east one-half mile to point of beginning.

Elections

Sec. 2. Be it further enacted, That an election shall be held in said town of Graysville on the first Monday in April, 1899, and every two years thereafter, for the purpose of electing a mayor and five councilmen, who shall have been residents, freeholders of said town for six months prior to the election. Said mayor and councilmen shall serve for the term of two years, and until their successors in office are elected and qualified. Said election to be held the first Monday in April, 1899, as now prescribed by law, and all subsequent elections to be held on the first Monday in April biennially by such persons and in such manner as the mayor and councilmen may prescribe, and all persons living in said corporation who are qualified voters for members of the General Assembly of this State shall be entitled to vote in said municipal election.

Sec. 3. Be it further enacted, That from any cause, should said town fail to hold an election on the day specified by this act, and they are hereby authorized to hold an election at any time thereafter: Provided, That a notice of such election shall be published in a newspaper in said town or by posting in three (3) or more places in said town ten days prior to the day set for such election.

Sec. 4. Be it further enacted, That the mayor and councilmen, together with town marshal, treasurer and clerk, each of which office the mayor and councilmen shall elect, shall severally, before they enter upon the discharge of their duties, take the oath as prescribed by the constitution of the State, as the following: "I do solemnly swear that I will perform the duties required of me (as mayor, councilman, marshal, treasurer or clerk, as the case may be) to the best of my ability and judgment, so help me God," a certificate of which oath shall be filed with the records of the board. It shall be the duty of the mayor to preside at all the meetings of the councilmen, and preserve order and decorum; and in his absence, any councilman may be called upon to take the chair; and the mayor and councilmen are hereby declared a body politic and corporate, by the name and style of the Mayor and Councilmen of Graysville, by which name, and their successors in office, shall be capable in law of suing and being sued, of pleading and being impleaded in all manner of suits, either in law or in equity, and shall have power to keep a common seal, and the same to alter and amend at pleasure; in general, to do and to perform all acts which are incident to bodies corporate; and to purchase, hold and dispose of for the benefit of said town, real, personal and mixed property to the value of twenty-five thousand dollars (\$25,000).

Sec. 5. Be it further enacted, That the mayor and councilmen, or a majority of them, are hereby invested with full power to keep open and in good repair the streets of said town, and for that purpose may levy a tax not exceeding three dol-

Powers

lars on all persons within the corporate limits who are liable to work on public roads of this State, and in default of payment of said taxes may require such persons to work on the streets of said town as required by the laws of the State; to prevent or remove nuisances; to establish a night and day police and a town jail or guard house; to erect lamps; to regulate the paving and flagging of drains and sidewalks; to prevent, by adequate penalties, the injury or destruction of shade or ornamental trees in said town; to license, tax or restrain at pleasure theatrical amusements, shows, and menageries of all kinds whatsoever within the corporation; and may also authorize the sale of, assess and collect a tax not more than one thousand dollars on the sale by retail of spirituous liquors on each retail liquor dealer within said corporation; to preserve the peace and good order of said town; to enact and publish any regulations, by-laws and ordinances necessary for the good and orderly government of said town, not inconsistent with the constitution and laws of this State, and to enforce the observance of said regulations, by-laws and ordinances by a fine not exceeding two hundred dollars for each violation thereof, and imprisonment not exceeding twenty days in the town prison.

Taxes

Sec. 6. Be it further enacted, That the mayor and councilmen shall have the power to levy and collect a tax on the inhabitants of said corporation on all articles and subjects of State taxation to raise money for properly governing and managing the affairs of the corporation and enforcing its laws and ordinances and powers granted by the provisions of this charter; and they, as soon as convenient after their election, elect by joint ballot, a clerk, treasurer and marshal of said town; and it shall be the duty of said clerk to issue all executions for fines and taxes which may be necessary, signing the same and delivering the same to the marshal, whose duty it shall be to collect and pay over the same to the treasurer, which last named officer shall give bond and security to the mayor and councilmen before he enters upon the

discharge of the duties of his office; and the mayor and councilmen shall have power to remove from office the clerk, treasurer and marshal, and elect others, and may fix the salaries and fees to be received by these officers, and if deemed advisable may require a bond of the clerk and of the marshal for the faithful performance of their duties: Provided, That the tax levied and collected by said corporation on the property of the citizens thereof shall not be more than one-half of one per cent. of the value of said property as assessed for State taxation during the preceding year.

Sec. 7. Be it further enacted, That the citizens of said town shall be exempt from working on the public roads. Exempt from
road duty

Sec. 8. Be it further enacted, That the mayor and councilmen shall have the power to open new streets within the corporate limits of said town, or change, alter or close such streets as are now or may hereafter be opened within the limits of said town: Provided, That where new streets are opened on private property the owner shall receive full compensation for the property so occupied to be assessed by a jury of five disinterested freeholders, selected for that purpose by the mayor of said town. Streets

Sec. 9. Be it further enacted, That the mayor of said town is a conservator of the peace within the corporate limits thereof, and it is his right and duty to suppress all affrays, riots, unlawful assemblies and insurrections, and low, indecent, profane, boisterous or disorderly conduct in any public place therein, to do which he may summons to his aid as many male persons as he thinks proper; he has full power to punish for contempt in the same and under the same rules and regulations prescribed by the Courts of Alabama in reference to the punishment of contempt by justice of the peace; he has full power to try all offenders against all the by-laws and ordinances of the said corporation with regard to the amount of fines, punishment or forfeiture, and to punish the offenders, both by fine and imprisonment, in the same manner prescribed by said by-laws and ordi- Powers of
mayor

nances; and the marshal of said corporation has full authority to execute all the lawful ordinances, resolutions and by-laws and orders of said corporate authorities within their jurisdiction; and must without warrant arrest all offenders breaking the peace, or violating any ordinances of the town in his presence, and bring them before the intendant; and for any other breach or violation of the ordinance he shall arrest the offenders upon due legal process and in order to the execution of his power and duties he may summons to his aid as many male persons as may be necessary.

Licenses

Sec. 10. Be it further enacted, That the mayor and councilmen of said town shall have full power to levy and collect a license tax upon any business, trade or profession carried on in said town: Provided, That the maximum amount of each license or tax shall not exceed the following; and provided further, that when, in the judgment of the mayor and councilmen, a less amount than the maximum will be necessary to carry on the government of the town, that the same proportion of all taxes enumerated in this act shall be levied and collected, as follows: Architects and contractors on buildings, ten dollars; auctioneers, each, twenty dollars; billiard or pool tables, each, twenty dollars; bowling alleys, each, \$20; buggies, wagons, carts or carriages not manufactured in said town, dealers in, ten dollars; brick yards or dealers in brick, each, five dollars; cane, knife board, striking machine or device of like kinds, each, fifteen dollars; cabinetmakers or proprietors of wood or blacksmith shops employing labor, each, five dollars; carts, drays or wagons, one-horse, five dollars; two-horse or oxen, ten dollars; circuses, each performance, twenty dollars; confectioners and fancy grocers, each, five dollars; contractors, each employing one or more workmen, each, five dollars; cotton buyers, not including merchants who pay merchandise tax, each, ten dollars; concert, musical entertainments, not otherwise provided for, or when charges are made for admission, or for each, five dollars; itinerant traders, by sample, except commercial traveling

Licenses

salesmen, each, five dollars; job printing offices, each, five dollars; lunch stands or restaurants, each five dollars; lawyers, physicians and dentists, each, five dollars; lightning rod agents, each, ten dollars; livery or sales stables, each, ten dollars; liquor, retail dealer in spirituous, vinous or malt liquors, each, five hundred dollars; liquors, wholesale dealers, each, one hundred dollars; machinery or agricultural implements, when principal stock in trade, each, ten dollars; merchant tailors or their agents, each five dollars; millinery establishments, each, five dollars; peddlers, on foot, each, five dollars; peddlers, one horse, each, ten dollars; peddlers, two horse, each, twenty dollars; pistols or pistol cartridges, whether the participation in any exercise or entertainment, not for charitable, religious or school purposes, each, three dollars; druggists and apothecaries, each, twenty dollars; drovers or dealers in horses or mules, other than liverymen who pay license tax, each, ten dollars; exhibitions of legerdemain or sleight of hand performances, or other exhibitions of like kind, each performance, five dollars; engines, stationary, used for propelling any mill, gin, saw-mill or other machinery, each, ten dollars; express companies, carrying express past Grayville to any other place, or bringing express from any place to Graysville, each, ten dollars; dealers in commercial fertilizers, other than merchants who pay license tax, each, ten dollars; gun repair shops, each, five dollars; hotels, keeping transient guests, each, twenty dollars; insurance agents—life or fire—principal stock in trade or not, each, ten dollars; playing cards, dealers in, each, five dollars; public weighers, each, five dollars; photographers and art galleries, whether in tents or houses, each, five dollars; private boarding houses, except where students at school are taken exclusively, each, ten dollars; railroad commissary or grub car, whether run by a railroad or individual, twenty dollars; real estate agents or brokers, renting or selling real estate, each, ten dollars; reporters on standing and credits of business men, each, ten dollars; each meat market, twenty dollars; sewing ma-

chine agents, not including merchants who pay license tax, each, ten dollars; drays, where any charge is made, \$20.00; telegraph companies sending messages from or receiving messages at Grayville, ten dollars; transient physicians, or vendors of patent medicines, or spectacles, each five dollars; undertakers, each, five dollars; watchmakers and jewelers, each, five dollars; keeping stud horses and jacks, each, five dollars; each store, range or clock company, or their agents, each, ten dollars, except merchants or jewelers who pay license tax; each person or firm engaged in merchandising, twenty dollars; each shoemaker, harness-maker or saddler, five dollars.

Fines

Sec. 11. Be it further enacted, That the mayor and councilmen, by ordinance, may impose such fines and penalties within the limitations of this act, as they may deem advisable for the doing of any business or carrying on any trade or practicing any profession by any party who shall fail to take out license provided for in this act: Provided, That no tax shall be levied on persons selling country produce, fowls, live stock or meat grown or raised by such persons.

Taxation

Sec. 12. Be it further enacted. That the mayor and councilmen shall, at their regular meetings in each year, make an estimate for the expenses for the current year and fix the rate of taxation, the price of license and the rate of street tax, and shall cause the same to be published in the same manner that the ordinances of said town are published; and that the mayor and councilmen shall, on the first of October of each year, cause the clerk to make out a statement of their receipts and disbursements of all moneys that have been received and expended for the preceding fiscal year, and have the same published in the same manner that the ordinances of said town are published.

Education

Sec. 13. Be it further enacted. That one-third of all revenues paid into the treasury of said town shall be used in the interest of education in said town.

Sec. 14. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed. Repeal

Approved February 23d, 1899.

No. 898)

AN ACT

(H. 869

To establish a separate school district at Langdale, in Chambers County, in this State.

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district, to be known as the Langdale School District, be established, subject to the public school laws of the State of Alabama, to be composed of the following territory, to-wit: One and one-half miles in each and every direction from Sears Hall except on the east side of said Hall and said district to extend one quarter of a mile on the east side to the Chattahoochee river in Chambers county. That the said separate school district shall receive its proportionate share of the public school funds of said township including its pro rata share of the sixteenth section fund and it shall also receive all the tax collected from the white people as poll tax within the limits of the territory set forth, and the trustees of said school district to be appointed as hereinafter provided shall have the management of said school district under their control and shall employ and pay teachers for said school district. School district
School funds

Sec. 2. Be it further enacted, That within thirty days after the passage of this act, the Probate Judge of Chambers county shall appoint five trustees who shall serve as such for said school district, a period of one year from the time of their appointment, and said judge of probate shall also appoint a superintendent who shall serve as such for said school district a period of one year from the time of his appointment; and said superintendent shall receive from the county superintendent of education all the moneys or funds hereinbefore provided for, and he shall turn over said moneys or funds to the said trustees of said school district, taking their receipt for the same. Trustees

Superintend-
ent

Sec. 3. Be it further enacted, That before entering upon the duties of superintendent of said school district, the superintendent shall make a bond with good and sufficient sureties, payable to the trustees of said school district, the amount of said bond to be fixed and sureties accepted by said trustees, said bond providing that should the superintendent of said school district fail or refuse to turn over to said trustees the moneys or funds coming into his hands from the county superintendent of education or from any other sources belonging to said school district, he and his sureties shall be liable to the trustees of said school district for the amount he so fails or refuses to pay over to them, and if after the trustees demands of the said superintendent the amount he has failed or refused to pay, he fails to do so for five days, he and his sureties on the bond shall pay the said trustees the full amount of said bond and should suit be necessary said trustees shall recover of said superintendent and his sureties this amount in the Circuit Court of Chambers county.

Treasurer

Sec. 4. Be it further enacted, That the trustees of said school district shall elect one of their number treasurer of said school district, who shall serve one year from the time of his election and he shall keep the moneys or funds of said school district and pay them out only upon the order or orders of said trustees; and that before entering upon his duties as treasurer he shall make a bond with good and sufficient securities payable to the trustees of said school district, the amount of said bond to be fixed and accepted by said trustees of said school district fail to keep the funds or moneys of said school district and pay them out as directed in this section of the act he and his sureties shall be liable to said trustees for the amount of said bond and should suit be necessary said trustees shall recover of said treasurer and his sureties the amount of said bond.

Selection by
patrons

Sec. 5. Be it further enacted, That after the superintendent and trustees whose appointments are provided for in this act, shall have served one

year from the time of their appointment, the patrons of said school district shall elect five trustees and one superintendent who shall serve as such for two years from the time of their election.

Sec. 6. Be it further enacted, That the treasurer and superintendent of said school district shall receive compensation for their services as such treasurer and superintendent of said school district, said compensation to be fixed by the trustees of said school district, and paid out of the funds or moneys of said school district on the order of the trustees; said treasurer and superintendent and their successors in office shall before entering upon their duties as such superintendent and treasurer give bond as required in sections three and four of this act: Provided, That in no case shall more than four per cent. of the funds of said district be paid out for superintendence or disbursement. Compensation

Sec. 7. Be it further enacted, That the trustees of said school district shall have the power to charge matriculation fees should they see fit to do so. Fees

Approved February 23d, 1899.

No. 899)

AN ACT

(H. 1141

To amend Sections 1, 2 and 6 of an act approved February 16th, 1891, entitled "An act to incorporate the Evergreen Industrial Normal School," so as to read as follows:

Be it enacted by the General Assembly of Alabama, That Sections 1 and 2 of said act shall read as follows: Section 1. That L. Hawthorn, Daniel Shephard, Frank Jones, Jack Michael, Henry Adams, Matt Wesley, A. Dean, Phil Walker, and Riley McCleary, and their successors in office, shall be and they are hereby declared and created a body corporate under the Constitution and laws of Alabama, by the name and style of the Evergreen In- Incorporators Name

Name	dustrial Normal School in the Town of Evergreen, in the County of Conecuh, and State of Alabama, which school shall be for the higher education of males and females of the colored race and by the name of the Evergreen Industrial Normal School, shall be able and capable in law and equity to sue and be sued, plead and be impleaded, and shall have power to borrow money, receive donations and bequests for the use of said school, to purchase and sell and have and hold real estate and other property in perpetuity: Provided, That the terms of office of all the incorporators herein named shall expire on the first day of September, 1899, when the governor shall, upon the recommendation and nomination of a majority of the stockholders and patrons of said school, appoint seven trustees in place of the incorporators herein named, and said trustees shall perform all the duties of and be clothed with all the power and authority exercised by the original incorporators. At the time of said appointment the governor shall divide the trustees into three classes, the first class shall consist of two trustees, who shall hold office for two years, the second of two who shall hold office for four years, the third of three who shall hold office for six years; but no trustees appointed after September 1st, 1899, shall hold office for a longer time than two years, and on the first day of September every odd year thereafter the governor shall appoint two trustees, and every sixth year he shall appoint three: Provided, That all appointments made subsequent to the first day of September, 1899, shall, like the first, be made upon the recommendation and nomination of a majority of the stockholders and patrons of said school; provided further, that the State superintendent of education shall be ex-officio a member of the board of trustees.
Rights	
Appointment by governor	
State superintendent	
Location	Sec. 2. Be it further enacted, That said corporate body shall have its domicile and place of business in the Town of Evergreen, Conecuh county, and shall have power to pass all rules, regulations and by-laws not inconsistent with the Constitution and laws of the State of Alabama, as

they shall see proper and deem advisable for the good government and proper regulation of said school, and shall have power to elect annually by a majority of its members, a president, secretary and treasurer and other necessary officers from the members of said body corporate, and to fill all vacancies in said office, to fix the amount and approve the bond of the treasurer; to adopt a common seal and to alter such seal at pleasure, and to act without such seal if deemed best by a majority of said members as fully as if with seal under the laws of this State.

Officers

Sec. 3. Be it further enacted. That said body corporate and their successors in office, or a majority of the members composing the same, are empowered to elect annually or otherwise, a principal teacher, and such principal teacher be and with the consent and approval of the trustees, shall elect and employ such teachers as may be necessary to meet the demands of the school, and the principal teacher and the teachers employed by him shall constitute the faculty of the school of which the principal teacher shall be president, with full power to execute all rules, regulations and by-laws adopted by the trustees.

Teachers

Sec. 4. Be it further enacted. That the trustees and president of the faculty and their successors in office, shall regulate the matriculation fees and adopt a course of study with a view to educating and training pupils for teachers in the public schools of this State, and that such course of study shall embrace the different grades adopted by this State, and the same are hereby authorized to organize and establish any other department of learning that may be deemed best for the higher education of said pupils.

Fees

Sec. 5. Be it further enacted. That nothing herein contained shall be so construed as to deprive the school of its pro rata share of the public school funds.

School funds

Sec. 6. Be it further enacted, That this act as amended shall go into effect September 1st, 1899, and the former act, approved February 16, 1891, shall continue in effect until then.

When act
goes into
effect

Approved February 23rd, 1899.

No. 900)

AN ACT

(H. 367)

To prohibit the obstruction of the channel of Valley Creek, in Jefferson County.

Unlawful

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act it shall be unlawful for any person, firm or corporation to erect in or across the stream or water course in Jefferson county known as Valley creek any raft, water-gap or dams of whatsoever kind, or any other obstructions to the free and regular flow of the water of said stream.

Penalty

Sec. 2. Be it further enacted, That any person, firm or corporation violating any of the provisions of the preceding section shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty nor more than five hundred dollars for each day said violation of said preceding section continues.

Repeal

Sec. 3. Be it further enacted, That all laws and parts of law in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 23rd, 1899.

No. 902)

AN ACT

(H. 1437)

To incorporate the Leisure Hour Club of Birmingham, Alabama.

Incorporators

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage more and L. C. Montgomery, their associates and successors, are hereby constituted and declared a body corporate under the Constitution and laws of the State of Alabama, under and by the name of the "Leisure Hour Club," and by such name shall have perpetual succession, may sue and be sued, plead and be impleaded, answer and be answered unto, in all kinds of actions, both in law

Name

and equity, may receive donations, may purchase property, both real and personal, or erect such buildings as may be necessary for its use, and hold such personal property, as said club may see proper to acquire and hold, and may dispose of either at its pleasure, and may have and use a common seal. Rights

Sec. 2. Be it further enacted, That said club shall have full power and authority to adopt such Constitution and by-laws, not inconsistent with law, as may be necessary or proper to the good management and control of said club, and the proper selection of officers or agents, and to regulate their terms of office, the number, reception and suspension or expulsion of members, the regulation of fees and dues, and the collection thereof, and generally to the government of the club, and the management of its business, and to mend or change the same. By-laws

Sec. 3. Be it further enacted, That said club shall have authority to maintain and own a library and reading room for the use of its members; to lease such real estate and buildings as may be necessary or proper for its use; to operate or contract for a restaurant to be operated; to provide and dispose of, to its members, cigars, cigarettes, and tobacco, and such disposition shall not constitute a sale thereof, but shall be held and treated as a consumption by such members of their own property; to acquire and operate for the exclusive use of its members, pool and billiard tables, gymnasiums and bath tubs, and bath rooms, and to borrow money and to secure the same by bonds and mortgages: Provided, however, That no indebtedness shall be created, save the current expenses, except by consent of two-thirds of the members of the club, given at a regular meeting of the club, or at a meeting called for that purpose, of which meeting and time and place of holding the same and for the purpose for which the same is called, thirty days notice must be given to each member who is at the time in the County Powers

of Jefferson, and whose residence is known, by mailing said notice to said member, addressed to his last known address, and prepaying the postage on same.

Member

Sec. 4. Be it further enacted, That the location of said club shall be in Jefferson county, Alabama, and the term "member" as used in this act, when used in respect to the power and authority of the club to borrow money and execute bond and mortgage, shall not be construed to mean honorary or non-resident members of the club, and the club shall have authority to prescribe the powers, rights and privileges of all honorary and non-resident members.

Number of
members

Sec. 5. Be it further enacted, That the numbers of members of said club shall be, and are hereby restricted to two hundred and fifty: Provided, however, That the number may be increased by a two-thirds vote of a meeting of the members at any annual meeting or at any meeting called for the purpose, which has been duly advertised by notices sent to the members, as required in section three of this act, and said meeting shall not be held within less than three weeks after mailing the said notices.

Approved February 23rd, 1899.

No. 904)

AN ACT

(H. 1030

To authorize the manufacture and sale of wine made from the juice of grapes in quantities of not less than ten gallons, by any person, in the counties of Lamar, Limestone, Cullman, Sumter, Chilton, Marion, Macon and Morgan without taking out license therefor.

Sale of wine

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act it shall be lawful for any person to manufacture wine from the juice of grapes, and to sell the same in quantities of not less than ten gallons in the counties of Lamar, Limestone, Cull-

man, Sumter, Chilton, Marion, Macon and Morgan without taking out a license therefor: Provided, That such wine shall be liable to an ad valorem tax as other property in this State.

Sec. 2. Be it further enacted, That any person who sells, gives away or otherwise disposes of any wine except in the manner provided for in Section 1 of this act, shall on conviction be fined not less than fifty nor more than five hundred dollars, and may also be sentenced to hard labor for the county for not more than twelve months. ^{Penalty}

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and they are hereby repealed. ^{Repeal}

Approved February 23rd, 1899.

No. 905)

AN ACT

(H. 1042

To prevent the leaving of wells in Perry County, Alabama, unenclosed or exposed.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for any person or persons, who own, control or have in possession or in their charge, lands in Perry county, Alabama, to leave unenclosed or exposed any well or hole in the ground in the nature or shape of a well, whereby persons or stock of any kind may be injured, or wherein they may fall; and any one who violates the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than five hundred dollars. ^{Unlawful}

Approved February 23rd, 1899.

No. 906)

AN ACT

(H. 1147)

To authorize the mayor and board of councilmen of the Town of Heflin, in Cleburne County, to pay one-half of all moneys received for licenses in said Town of Heflin, for the sale of liquors, to the board of trustees of the public schools of said town.

Public schools

Section 1. Be it enacted by the General Assembly of Alabama, That the mayor and board of councilmen of the Town of Heflin, in Cleburne county, are hereby authorized to appropriate one-half of all moneys received for licenses in said Town of Heflin, for the sale of spirituous, vinous or malt liquors, to the maintenance and support of the public schools of said Town of Heflin. And the mayor of said Town of Heflin, shall immediately after its collection pay one-half of all moneys received by him for the licenses for the sale of spirituous, vinous or malt liquors to the board of trustees of the public schools of the said town of Heflin.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 23d, 1899.

No. 907)

AN ACT

(H. 531)

To empower the Governor of Alabama to convey eight (8.50-100) and fifty one-hundredths acres of land.

Governor to
convey

Section 1. Be it enacted by the General Assembly of Alabama, That the governor of Alabama be and he is hereby empowered to convey a lot of land containing eight (8.50-100) and fifty one-hundredths acres, situated in the northwest quarter of southwest quarter of Section thirty-five (35), Township nineteen (19), Range seventeen (17), in

the County of Elmore and State of Alabama.
Approved February 23d, 1899.

No. 908)

AN ACT

(H. 1406

To authorize and empower the clerk of the Circuit Court of Cullman County, Alabama, to issue subpoenas for witnesses before the grand juries of said county.

Section 1. Be it enacted by the General Assembly of Alabama, That the clerk of the Circuit Court of Cullman county, Alabama, shall have authority, upon the request of the solicitor of the circuit in any criminal prosecution in Cullman county, Alabama, shall issue subpoenas for witnesses before the next grand jury at any time between the terms of the Circuit Court of said county, and shall keep a book or subpoena docket as now provided by law for witnesses in State cases, in which shall be kept the names of said witnesses, the date of the issuance of the subpoena and the return of service upon them: Provided, Said witnesses shall be subpoenaed to appear on the 1st and 2d days of the Court before said grand jury.

Witnesses before grand jury.

Sec. 2. Be it further enacted, That the names of said witnesses and the date when served, shall be given by said clerk to the circuit solicitor, who shall cause said witnesses to be examined before said grand jury; provided further, that the attendance of said witnesses may be compelled and enforced as State witnesses are enforced by forfeitures and attachments by the Circuit Courts as now authorized by law.

Solicitor

Approved February 23d, 1899.

No. 910)

AN ACT

(H. 1014

To remove the disabilities of non-age of Archibald Moore, of Pike County.

Relief

Section 1. Be it enacted by the General Assembly of Alabama That the disabilities of non-age of Archibald Moore, of Pike county, be and are hereby removed.

Approved February 23d, 1899.

No. 911)

AN ACT

(H. 626

To establish a separate school district in Cherokee County, to be known as The Centre School District, and provide for the maintenance of the same.

School district

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district, to be known as The Centre School District, in Cherokee county, Alabama, be and the same is hereby established; which said district shall be composed of and include the following named boundaries, to-wit: Commencing at a point on Coosa river where the line between Sections nineteen (19) and twenty (20) strikes the river; thence north with said line to northwest corner of northwest fourth ($\frac{1}{4}$) of southwest fourth ($\frac{1}{4}$) of Section seventeen (17); thence east to center of Section fourteen (14); thence south to center of Section twenty-six (26); thence west to Coosa river; thence up and with the river to starting point, all in Township ten (10), Range (9), in Cherokee county, Alabama.

Trustees

Sec. 2. Be it further enacted, That G. P. Smith, Jas. M. Webb and J. W. Wharton be and they are hereby appointed trustees of said district, to serve until their successors are appointed by the county superintendent of education, whose duty it shall be to appoint three trustees as the successors of the said three trustees herein appointed; said appointments to be made at the time and in

the regular manner of appointing township trustees of public schools in Cherokee county, Alabama.

Sec. 3. Be it further enacted, That the said trustees named and provided for in Section 2 of this act shall have full control of the educational School affairs of said district, and shall have the power, and it shall be their duty to establish and locate one school, and only one, within said district for the white race, and build or provide one suitable house, and only one, for the accommodation of said school, and that when said school be so located, and said school house shall be so built or provided, it shall be called the "Centre High School," and shall be the only school in said district for the white race.

Sec. 4. Be it further enacted, That said school district shall be entitled to receive its proportion- Funds ate share of all funds raised or apportioned by the State or county for public schools; also, its proportionate share of the sixteenth section funds accruing to the township of which said school district is a part, and it shall receive all poll tax which may be collected from the white and colored residents of said district, and all funds which may be donated thereto.

Sec. 5. Be it further enacted, That said trustees named and provided for in Section 2 of this Teachers act, shall have full authority to employ the necessary teachers for said schools and to perform any and all other duties necessary to the proper organization, regulation and maintenance of said schools, such as approving reports of teachers, etc., in the manner provided by the general school laws for the trustees of townships. They shall also have power to co-operate and act in conjunction with any authority or school board that may be appointed or elected by the council of the town of Centre in establishing a school as provided in section 3 of this act, when necessary to better subserve the interests of the children of school age in said district.

Sec. 6. Be it further enacted, That said board of trustees named and provided for in Section 2 Fees

of this act shall have power to establish a rate of incidental fees from time to time, as they may deem proper, such fees to be applicable to all pupils of said school alike, for the proper support and conduct of said school, and change the same from time to time as the public necessities and welfare of said school require.

Repeal

Sec. 7. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 23d, 1899.

No. 912)

AN ACT

(H. 620)

To prevent trespass upon the grounds or enclosure in which are located the court houses of the several counties in the State of Alabama.

Court house
grounds

Section 1. Be it enacted by the General Assembly of Alabama, That any person who turns a horse or other animal of any kind to graze upon the grounds of any court house in any county in the State of Alabama shall be guilty of a misdemeanor and, upon conviction, must be punished by a fine not exceeding fifty dollars: Provided, The provisions of this act shall only apply to Morgan county.

Approved February 23d, 1899.

No. 913)

AN ACT

(H. 517)

To prevent the obstruction of drains, creeks, branches, ditches or water courses, and to provide for keeping open the same, in Perry county.

Obstructions

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person or persons owning, or in possession of any land, in or upon which there may empty or flow any existing water course, drain, creek, branch or

ditch, or natural drain, or any such water course now or hereafter made, carrying water along the course of usual or natural flow, from the lands of one owner or holder, in or upon the lands of another, to obstruct in any way such water course, or shall fail, after a reasonable time upon the written demand or request of any other owner or possessor of lands interested in the flow of such water course or way, to keep cleaned out or open to the full extent of the usual or natural flow thereof of any such watercourse or way, to the injury of such other owner or possessor of land.

Sec. 2. Be it further enacted, That any person violating the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than ten nor more than three hundred dollars for each and every violation of the same: Provided, That inability of the defendant to comply with the provisions of this act shall be taken in extenuation or justification for non-compliance; and provided further, that the provisions of this act shall apply only to Perry county. Penalty

Approved February 23d, 1899.

No. 914)

AN ACT

(H. 582

To authorize and require the auditor of the State of Alabama to reimburse R. H. Harris, sheriff of Randolph county, for expenses incurred and services rendered to the State in the removal of Val T. Taylor, a fugitive from justice.

Whereas, In September, 1898, Val T. Taylor fled this State for the commission of the crime of seduction, and while in flight was intercepted, in the City of Nashville, Tenn., whereupon R. H. Harris, sheriff of Randolph county, acting under pressing emergency and deeming delay very dangerous, risked not time to obtain of the governor a requisition upon the governor of Tennessee, but proceeded at once to Nashville, taking charge of the Preamble

said Val T. Taylor, and brought him back to the State, where he is held under bail to answer for his offense; the expense incurred and services rendered amounting to the sum of fifty-eight and 41-100 (\$58.41) dollars, which has not been allowed R. H. Harris, sheriff, by the State; therefore,

Appropriation Section 1. Be it enacted by the General Assembly of Alabama, That the auditor of Alabama is hereby authorized and required to draw his warrant upon the treasurer of Alabama in favor of R. H. Harris, sheriff of Randolph county, for the sum of fifty-eight and 41-100 (\$58.41) dollars, for expenses incurred and services rendered to the State in the removal of Val T. Taylor, a fugitive from justice; and the treasurer of the State of Alabama shall pay the warrant out of any fund in the State treasury not otherwise appropriated.

Approved February 23d, 1899.

No. 915)

AN ACT

(H. 1293

To authorize the Commissioners Court of Jefferson County, or the Board of Revenue of Jefferson County, to purchase a bridge from the Palos Coal Company over the Locust fork of the Warrior river.

Preamble Whereas, The Palos Coal Company is constructing a bridge over the Locust fork of the Warrior river for the purpose of using tram cars and transporting coal across said river; and,

Whereas, Said bridge is being constructed so that it can also be used for wagons and foot passage; and,

Whereas, It may be desired to open a public road in the vicinity of said bridge and use said bridge as a public highway for the purpose of crossing said river.

Authority to purchase Section 1. Be it enacted by the General Assembly of Alabama, That the Commissioners Court, or board of revenue of Jefferson county, be and is hereby authorized and empowered to purchase

from the Palos Coal Company, when erected, the bridge now being erected by the Palos Coal Company across the Locust fork of the Warrior river, for the use of the county as a public highway, upon such terms and conditions as the Commissioners Court, or board of revenue, in its judgment may deem to be the interest of the county.

Approved February 23d, 1899.

No. 916)

AN ACT

H. 1417

To authorize the Court of County Commissioners of Conecuh County to establish an additional voting precinct in Beat 5, Conecuh County.

Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners of Conecuh County be and is hereby authorized and empowered to establish an additional voting precinct in Brushy Creek Beat 5 in said county, at such place as may seem best in the judgment of the said Court of County Commissioners for the convenience of the voters of said beat. Voting
Precinct

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal

Approved February 23d, 1899.

No. 917)

AN ACT

(H. 1089

To further regulate the mining of coal in Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the chief mine inspector shall, upon application by the owner or operator of mines in which not more than twenty men are employed, grant permission for such owner, operator, or some suitable person recommended by the operator, to act as foreman in such mines, and no ex- Foreman of
mines

Repeal

amination shall be required of said foreman: Provided, That this act shall not apply to the counties of Bibb, Etowah, St. Clair, Jefferson, Walker, Marion, Tuscaloosa, Shelby, Cullman and Madison.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 23d, 1899.

No. 918)

AN ACT

(H. 508)

To amend Section 912 of the Code, so far as the same applies to the counties of Lamar, Fayette, Marion, Franklin, Greene, Tuscaloosa and Sumter.

When court
to open

Section 1. Be it enacted by the General Assembly of Alabama, That Section 912 of the Code be and the same is hereby amended so as to read as follows: "Section 912. When Court to be opened: The Court of the several judicial circuit shall not be opened before noon of the first Monday of each term, except in the counties of Lamar, Fayette, Marion, Franklin, Greene, Tuscaloosa and Sumter, when Court may open any time after ten o'clock in the morning of said first Monday.

Approved February 23d, 1899.

No. 919)

AN ACT

(H. 901)

To amend an act entitled "An act for the preservation of game animals and birds in the counties of St. Clair, Lauderdale, Colbert, Marengo, Jefferson, Pike and Covington," approved February 27th, 1889, so far as the same applies to Marengo County.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "An act for the preservation of game and animals and birds in the counties of St. Clair, Lauderdale, Colbert, Ma-

rengo, Jefferson, Pike and Covington," approved February 27th, 1889, be amended, so far as the same relates to Marengo county, so as to read as follows: "Section 1. That it shall be unlawful at any place in the County of Marengo to catch, kill or injure, or pursue with such intent, any wild buck, doe or fawn between the first day of April and the fifteenth day of September; and it shall be unlawful to catch, kill or injure any wild turkey between the first day of April and the first day of October; and it shall be also unlawful to catch or kill any partridge between the first day of March and the first day of November; and it shall be unlawful to catch, kill or injure any dove between the first day of March and the first day of August." Game law

Sec. 2. Be it further enacted, That any person violating the provisions of this act shall, on conviction, be fined not less than three nor more than twenty dollars for every such violation. Penalty

Approved February 23d, 1899.

No. 920)

AN ACT

(H. 1348

For the relief of C. M. Boyd, ex-sheriff of Macon County.

Section 1. Be it enacted by the General Assembly of Alabama, That the commissioners of Macon county are hereby authorized and empowered to draw a warrant on the treasurer of said county in favor of C. M. Boyd, ex-sheriff of said county, for seventy and 50-100 dollars. Thirty-six dollars of said amount being for services rendered in serving scire facias on defaulting witnesses and bondsmen in the County Court of said county from August 1st, 1888, to August 1st, 1892; the balance of said amount, thirty-four and 50-100 dollars, being for like services rendered in the Circuit Court of said county for the years above stated. County appropriation

Approved February 23d, 1899.

No. 921)

AN ACT

(H. 1422)

To change the name of Lewis Allen Morgan, Jr., of Perry County, to that of Allen Lewis Morgan.

Change of
name

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the name of Lewis Allen Morgan, Jr., of Perry county, be and the same is hereby changed to that of Allen Lewis Morgan.

Approved February 23d, 1899.

No. 922)

AN ACT

(H. 1335)

To regulate the letting of contracts for printing and stationery in the County of Tuscaloosa.

Printing and
Stationery

Section 1. Be it enacted by the General Assembly of Alabama, That all county officers of Tuscaloosa county shall present to the judge of probate for his approval all bills for printing all blanks, books, and stationery of every kind, required in their respective offices; and that said judge, if he is of opinion that such printing or stationery is necessary, let a contract for same; said judge may advertise for bids if, in his opinion, the amount of the order justifies it.

Payment

Sec. 2. Be it further enacted, That the commissioners for Tuscaloosa county shall not pay any bills for printing, books or stationery, except such as have been contracted for by the probate judge, as provided for in Section 1 of this act.

Approved February 23d, 1899.

No. 923)

AN ACT

(H. 947)

To authorize the Town of Highland Park, in the County of Montgomery, to hold an election to determine whether bonds in an amount not less than five nor more than ten thousand dollars, shall be issued by said town for the improvement of the streets and sidewalks therein.

Section 1. Be it enacted by the General Assembly of Alabama, That the town of Highland Park, in the County of Montgomery, be and is hereby authorized to issue bonds in amount not less than five nor more than ten thousand dollars, all of which shall be coupon bonds bearing interest semi-annually or quarterly, at such place or places as may be designated therein, and shall be issued under the corporate seal of said seven per centum per annum, and to run for such period of time not to exceed fifty years from their date, as may be determined by said board; none of said bonds shall be of a denomination lower than one hundred dollars, and shall not be sold or disposed of by said board at less than their par value; Provided, however, That the issuance of such bonds shall first be approved by a majority of the qualified voters of the town of Highland Park, voting at an election to be held for that purpose in said town, which election shall be called by the mayor and council of said town, notice thereof given by them, and managers or inspectors appointed and the election conducted in all respects the same, as far as practicable, as elections for mayor and councilmen as hereinabove provided for. The ballots shall be prepared under the direction of the town council, and shall be "For Bonds," or "No Bonds." council, and shall be "For Bonds," or "No Bonds."

Sec. 2. Be it further enacted, That the bonds and coupons for interest thereon, issued under this act, shall be negotiable paper, and may be made payable to bearer; but the holder of such bond may convert the same into a registered bond

by an entry on the back of such bond that it is registered, made in the presence of and witnessed by the treasurer of said town; and thereafter, while said bonds remain so registered, the same shall not be either negotiable or assignable, and the principal sum of all bonds so registered, and the coupons for the interest thereon shall be paid by such treasurer only to the person in whose name the same is registered, or the personal representative or successor in trust of such person. It shall be the duty of the town treasurer to keep a record of the bonds so registered, and any bond so registered shall be rendered again negotiable by an endorsement thereon by the lawful holder thereof, that said bond is negotiable, made in the presence of and witnessed by the said town treasurer, who shall thereupon note on the record of registration that such bond so endorsed is no longer registered; such endorsement can only be made by the person in whose name the bond is registered, or the personal representative or successor in trust of such person; and the town treasurer, together with the sureties on his bond, shall be liable for all damages which may result to any person by reason of allowing the endorsement of any registered bond by any person other than the person in whose name the same is registered, or the personal representative or successor in trust of such person; but in all cases where the treasurer shall have any doubt of the lawful right or lawful authority of any personal representative or successor in trust to make such indorsement, the treasurer may require the person claiming the right to make such endorsement to procure at his or her own expense the decree of a Court of competent jurisdiction, authorizing such person to make such endorsement, and such decree shall protect the treasurer from all liability for allowing said endorsement.

Tax exempt
from Sec. 3. Be it further enacted, That the bonds herein provided for shall be exempt from county and municipal taxes.

Use of pro-
ceeds Sec. 4. Be it further enacted, That the proceeds of the sale of said bonds hereinabove provided for, shall be used by the said board of the

town of Highland Park for the purpose of macadamizing, paving, graveling or improving in a similar manner, any street or streets of said town, which may be selected for that purpose by said board, and under such regulations as the said board may prescribe; and shall not be used for any other purpose.

Sec. 5. Be it further enacted, That no action When valid taken by the said board in reference to the application of the funds arising from the sale of said bonds shall be valid unless the same be taken by ordinance or ordinances duly and legally approved by the mayor, as required by the charter of the town; or if the mayor shall veto such ordinance or ordinances, then not until the same shall have been passed by the board over such veto by a vote four-fifths of the members elected to said board.

Sec. 6. Be it further enacted, That all laws and Repeal parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 23d, 1899.

No. 924)

AN ACT

(H. 872

To provide for the registration and lien of judgment for the payment of money in the Courts of Justice of the Peace and Notary Public with powers of justice of the peace, in Cherokee, Shelby, Blount, Cleburne and Clay counties, Alabama.

Section 1. Be it enacted by the General Assembly Registration of Alabama, That the plaintiff or owner of any judgment rendered by the Courts of Justice of the Peace and Notary Public with powers of justice of the peace, in Cherokee, Shelby, Blount, Cleburne and Clay counties, Alabama, for the payment of money, may file in the office of the judge of probate of the county, a certificate of the justice of the peace or notary public with powers of justice of the peace, before whom such judgment

was rendered, showing the amount and date thereof, the amount of costs and the names of the parties to the suit, which certificate shall be registered by the judge of probate of said counties in a book to be kept by him for that purpose, which register shall also show the date of filing and the names of the owner of such judgment; and any judgment so filed and registered shall be a lien upon the property of the defendant in the county in which said judgment is rendered, which is subject to levy and sale under execution in said Court; and the lien shall continue for five years from the date of such registration. The registration of such judgment shall be notice to all persons of the existence of such lien.

Fee Sec. 2. Be it further enacted, That the probate judge shall be entitled to receive a fee of twenty-five cents for each judgment so registered.

Certificate Sec. 3. Be it further enacted, That the justice of the peace or notary public with powers of justice of the peace, shall furnish, on demand of the owner of the judgment, a certificate of the same, upon the payment of a fee of twenty-five cents.

Executions Sec. 4. Be it further enacted, That executions may issue at any time within five years from the date of filing the certificate of such judgments for record in the office of the judge of probate in said county; such executions to be issued by the justice of the peace or notary public with powers of justice of the peace, who rendered the judgment, or his successor in office. And the justice of the peace or notary public with powers of the justice of the peace, issuing the execution must endorse thereon the date that such judgment was recorded; said date of recording to be furnished the justice of the peace, or notary public with powers of justice of the peace, by the plaintiff or owner of the judgment upon the production to said justice of the peace of the recorded certificate of the judgment.

When to be recorded Sec. 5. Be it further enacted, That judgments rendered in Courts of Justice of the Peace, or Notary Public with powers of justice of the peace, in Cherokee, Shelby, Blount, Cleburne and Clay

counties, Alabama, may be recorded as herein provided within six months from the passage of this act; and judgments hereafter rendered in said Courts must be recorded within six months after the rendition thereof, and if not so recorded, shall not operate as a lien as herein provided.

Approved February 23d, 1899.

No. 925)

AN ACT

(H. 922

To declare John G. Reynolds, a liner between the counties of Tuscaloosa and Greene, a citizen of Tuscaloosa County.

Section 1. Be it enacted by the General Assembly of Alabama, That John G. Reynolds, who resides in Greene county, at or near the line between Tuscaloosa and Greene counties, is hereby declared to be a citizen of Tuscaloosa county.

Citizen of
Tuscaloosa

Approved February 23d, 1899.

No. 926)

AN ACT

(H. 1381

To make valid certain claims against the fine and forfeiture fund of Tuscaloosa County, which have been once registered and lost their place and validity by failure to register again.

Section 1. Be it enacted by the General Assembly of Alabama, That all claims against the fine and forfeiture fund of Tuscaloosa county, which were valid claims, and have been once duly registered, but which have lost their place and validity by a failure to register again under any laws heretofore passed, shall be good and valid claims against said fine and forfeiture fund if registered within three months from the passage of this act.

Claims valid

Approved February 23d, 1899.

No. 927)

AN ACT

(H. 968)

To regulate the fee of justices of the peace and notary public exercising the jurisdiction of justices of the peace in Perry County, Alabama.

Fees

Section 1. Be it enacted by the General Assembly of Alabama, That justices of the peace and notary public examining the jurisdiction of justices of the peace in Perry county, shall receive the following fee for the following services: Civil summons, \$1.00; warrant qui tam cases, \$1.00; subpoena, each witness, 25 cents; docketing, 25 cents; trial, \$1.00; entering judgment, 25 cents; exemption and taxing costs, 75 cents; attachment bond and affidavit, \$1.50; attachment writ, 50 cents; summoning garnishee and taking examination, \$1.00; each order of sale, 50 cents; venire facias, \$1.00; appeal or certiorari, including bond and certificate, \$1.00; each other bond, 50 cents; administering oath and certifying same, 50 cents; certificate not otherwise provided for, 50 cents; judgment, or summary proceedings, \$1.00; sciens facias, or notice in nature thereof, 50 cents; for making return of certiorari 50 cents; writ of restitution, 50 cents; continuance, 25 cents; criminal complaint, 50 cents; warrant of arrest, 75 cents; search warrant, \$1.00; bond of accused, 75 cents; bond of witness, 25 cents; subpoena, 25 cents; continuance, 25 cents; commitment of defendant to jail, 50 cents; certifying costs to Circuit or City Court, 50 cents; exemption for costs, 50 cents; certifying proceedings on appeal, 75 cents; judgment on forfeited bond, 50 cents; trial of offense, \$2.00; preliminary examination, \$2.00: Provided, That all services not provided for in this act shall be taxed as prescribed by the general law then in force.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 23d, 1899.

No. 928)

AN ACT

(H. 1151)

To prevent stock from running at large in the following described territory in Beat 8 in Calhoun County.

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act, that no stock shall run at large in the following described territory, to-wit: Commencing at the beat line between Beats (8) and (9), at the Cherokee boundary line, running west to the corner the garden on the S. P. Sharlet place; thence north to the northeast corner of lot (15) in Section (32), Township (12), Range (9); thence west to the northwest corner of said lot (15); thence south to the line between W. M. Ayers and Clem Johnson's lands; thence along said line to township line; thence west along the said township line of fraction (20) Section (32), Township (12), Range (9); thence north to northeast corner of said fraction (20); thence west to Section 9 between Sections (31) and (32); thence north to the north to the northeast corner lot (8), Section (31), Township (12), Range (9); thence west to the northwest corner of lot (7), Section (36), Township (12), Range (8); thence south to the southwest corner of Section (36), Township (12), Range (8), to present stock law boundary line between Ranges (8) and (9); thence south along said range line to the southwest corner of Section (6), Township (13), Range (9); thence east along the section line between Sections (6) and (7) to the middle of Section (7); thence south to the Sulphur Springs road; thence east along said road to line between the lands of D. D. Nabors and D. C. Collett; thence east along the line between Nabors and Collett to section line between Sections (7) and (8); thence south along said line to middle of Section (7); thence south to the southwest corner of Section (7); thence south along said road to the boundary line of the present stock law line; thence east

along said stock law line to beat line, between Beats (8) and (9); thence north to the commencing point on the Cherokee line.

Laws govern-
ing Sec. 2. Be it further enacted, That the said de-
scribed territory shall be governed by the laws governing stock law districts in Calhoun county, Alabama.

Approved February 23d, 1899.

No. 929)

AN ACT

(H. 925

To pay from the "Road Fund" those who paid by working on the public roads the tax provided in Section 3 of "An act for the improvement of roads and bridges in Tuscaloosa county," approved February 18th, 1897.

Amount

Section 1. Be it enacted by the General Assembly of Alabama, That the sum of one dollar shall be paid to each of those persons who paid by working on the public roads, the tax provided in Section 3 of "An act for the improvement of roads and bridges in Tuscaloosa county," approved February 18, 1897.

How paid

Sec. 2. Be it further enacted, That the treasurer for Tuscaloosa county shall pay to the tax collector the sum of two hundred dollars, from the "Road Fund" of said county, and it shall be the duty of the tax collector, out of said amount, to pay those entitled to same, under the provisions of Section 1 of this act, as shown by the records in his office. The tax collector shall take proper vouchers for the amounts paid out by him.

Time

Sec. 3. Be it further enacted, That all claims against said fund shall be made within twelve months after the passage of this act, or they shall be forever barred.

Tax collect-
or's duty

Sec. 4. Be it further enacted, That it shall be the duty of the tax collector, after the expiration of twelve months from the passage of this act, to turn over to the treasurer any of said moneys remaining in his hands uncalled for, and the treas-

urer shall place same to the credit of the "Road Fund."

Approved February 23d, 1899.

No. 930)

AN ACT

(H. 1442

To amend an act entitled "An act to prohibit the sale, giving away, or otherwise disposing of any spirituous, vinous or malt liquors, or any intoxicating bitters in Beat No. 2, known as Russellville Beat, in Franklin county.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "An act to prohibit the sale, giving away, or otherwise disposing of any spirituous, vinous or malt liquors, or any intoxicating bitters in Beat No. 2, known as Russellville Beat, in Franklin County," be amended so as to read as follows: "Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any spirituous, vinous or malt liquors or any intoxicating bitters within the boundary of Beat No. 2, known as Russellville Beat, County of Franklin, State of Alabama: Provided, That this act shall not be construed as to prevent the use of the above named liquors in the private residences of individuals, or the use of wine for sacramental purposes, or the use or sale of the above named spirituous, vinous or malt liquors when prescribed by a regular physician in the regular practice of medicine; provided further, that it shall be unlawful for any physician to so prescribe same until the party to whom the prescription is given shall have furnished him with an affidavit, subscribed to before the probate judge or clerk of the Circuit Court of said county (unless he be too ill to go and make said affidavit), stating that he desires said prescription for liquors for medicinal purposes alone, which affidavit shall be filed and kept by said regular physician; and

Prohibition

it shall be unlawful for any druggist or other person to sell any of said liquors unless there is written on said physician's prescription the fact that an affidavit had been made as required by law before said prescription was given, or that it was prescribed for one of his patients who was too ill to go and make affidavit as required by law.

Penalty

Sec. 2. Be it further enacted, That any person or persons violating the provisions of this act shall, upon conviction thereof, be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county not less than thirty days nor more than six months, at the discretion of the jury trying the case.

Approved February 23d, 1899.

No. 931)

AN ACT

(H. 1472

To confer upon the Probate Court of Tuscaloosa County jurisdiction of Chancery Courts in cases for partition and sales of property for partition, division or distribution.

Jurisdiction
of probate
court

Section 1. Be it enacted by the General Assembly of Alabama, That the Probate Court of Tuscaloosa county shall have concurrent jurisdiction with the Chancery Courts of this State for partition, and for the sale for partition, division or distribution of any property, real, personal or mixed, held by joint owners or tenants in common. And said Probate Court shall have power and authority to issue all orders and make all deems which Chancery Courts can make in like cases, whether the title to such property be legal or equitable; and said Probate Court shall have power to adjust and settle all equities, claims or interests of any kind whatsoever held by such joint owners or tenants in common, or any parties in interest. Such property may be deemed to be sold by said Probate Court, upon written application of any one or more of such joint tenants, or tenants in common,

when the same cannot equitably be divided or partitioned among them, notwithstanding they or any of them are infants or persons of unsound mind, and the application may be made by the personal representative, executor or administrator of a deceased person in interest, or by the guardian of a minor or a person of unsound mind.

Approved February 23d, 1899.

No. 932)

AN ACT

(H. 679

To reduce the per diem of the members of the Court of County Commissioners, or Board of Revenue, of Choctaw County, from three dollars and fifty cents to three dollars.

Section 1. Be it enacted by the General Assembly of Alabama, That the per diem of the members of the Court of County Commissioners, or board of revenue, of Choctaw county, be and the same is hereby reduced from three dollars and fifty cents to three dollars. Reduction

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal

Approved February 23d, 1899.

No. 933)

AN ACT

(H. 958

To entitle an act for the preservation of game in Conecuh County, approved December 11th, 1894, and February 13th, 1897.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of an act entitled "An act for the preservation of game in Conecuh county," approved December 11th, 1894, be and the same is hereby amended so as to read as follows: "Section 1. Be it enacted by the General Assembly of Alabama, That from and after the Game law

passage of this act, it shall be unlawful for any person to kill, shoot, trap, net or destroy, within the confine of the County of Conecuh, between the first day of March and the first day of November in any year, any deer, wild turkey, partridge or quail, or turtle dove, or to destroy any eggs or nest of any wild turkey, or partridge or turtle dove, or to kill, shoot, trap, net or destroy any squirrel within the confines of said county, except that the owner of any land or person authorized by him, may shoot or have shot squirrels on their own land doing damage to their crops: Provided, however, That it will not be unlawful to kill wild turkey gobblers in the month of March in any year.

Penalty

Sec. 2. Be it further enacted, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten nor more than fifty dollars, or sentenced to hard labor for not more than twenty days, one half of said fine or labor proceeds to go to the informant: Provided, That justice of the peace of said county shall have jurisdiction to try offenses committed under this act.

Use of funds

Sec. 3. Be it further enacted, That all funds arising from fines, forfeitures and hard labor not otherwise disposed of under the provisions of this act shall be paid over to the county superintendent of education for the use of the public schools of said county, to be apportioned between the two races, in relative proportion to the enumeration of children.

Approved February 23d, 1899.

No. 934)

AN ACT

(H. 883

To incorporate the Russellville High School in Franklin County, Alabama.

Incorporators

Section 1. Be it enacted by the General Assembly of Alabama, That Jas. E. Wilson, W. I. Bullock, W. H. Nance, John W. Horton, Wm. East, W. W.

White, W. H. Key, John R. Petrie, William McRight, Dr. T. B. Barnes, John W. Weatherford and Geo. C. Almon, be and are hereby created a corporation and body politic to be known as directors of Russellville High School of Russellville, Franklin county, Alabama, until their successors are elected and installed, after which time their successors shall have all the corporate powers herein conferred. Name

Sec. 2. Be it further enacted, That a majority of said directors shall be a quorum for the transaction of business and a director may be removed for a sufficient cause and vacancies filled by a majority vote of the stock. Quorum

Sec. 3. Be it further enacted, That said directors and their successors shall have power under and by the name aforesaid to maintain an institution at Russellville, Alabama, for the education of males and females of the white race and to do and perform all other acts and things which are or may be necessary or proper in carrying out the purpose of an institution for the higher education. Directors
Powers

Sec. 4. Be it further enacted, That said corporation shall have power to own receive or possess by gift, devise, purchase or otherwise, real and personal property not to exceed in value twelve thousand dollars so long as the same may be used for school purposes, or in any wise contributing to the maintenance of a school and shall have power to dispose of said property by sale or otherwise and shall have all other rights and powers that are granted to similar educational corporations in Alabama.

Sec. 5. Be it further enacted, That said school property, real and personal, shall be and the same is hereby exempt from taxation. Exempt from
tax

Sec. 6. Be it further enacted, That the said directors shall be chosen annually on the first Monday in May, by stockholders, all whom shall hold over until their successors shall be elected. Directors

Sec. 7. Be it further enacted, That said board of directors are empowered to elect the professors and teachers annually at the commencement exercises, the professors and teachers so elected Teachers

shall constitute the faculty of said school and they shall have power in consultation with a committee of three appointed by board of directors from their number, and with their concurrence to make all necessary rules for the government of said school, determine the rates of tuition and the curriculum of study.

Certificates

Sec. 8. Be it further enacted, That said faculty of said school may give instructions in any of the branches taught in the public schools of Alabama and may award certificates of proficiency to all persons who may complete the prescribed course of study.

Public schools

Sec. 9. Be it further enacted, That the school authorities may arrange with said Russellville High School to carry on a public school provided said public school be fully governed by general school laws.

Sec. 10. Be it further enacted, That this act shall take effect on and after this passage.

Approved February 23d, 1899.

No. 935)

AN ACT

(H. 1249

To declare John George a liner between the counties of Hale and Perry, a citizen of Hale county.

Citizen of
Hale

Section 1. Be it enacted by the General Assembly of Alabama, That John George who resides in Perry county, at or near the line between Hale and Perry counties is hereby declared to be a citizen of Hale county.

Approved February 23d, 1899.

No. 936)

AN ACT

(H. 1269

To incorporate the Social Reading Club of Birmingham, Alabama.

Section 1. Be it enacted by the General Assembly

of Alabama, That T. W. Newberry, G. A. Richards, John Bual, S. Arrico, A. R. Wiggington, Fred Sellers, William Ward, Dan Potter, and Billie Hudson, their associates and successors, are hereby constituted and declared a body corporate under the constitution and laws of the State of Alabama, under and by the name of the "Social Reading Club," and by such name shall have perpetual succession, may sue and be sued, plead and be impleaded, answer and be answered unto, in all kinds of actions both in law and equity, may receive donations, may purchase property, both real and personal, and buildings, or erect such buildings as may be necessary for its use, and hold such personal property as said club may see proper to acquire and hold, and may dispose of either at its pleasure, and may have and use a common seal.

Incorporators

Name

Rights

Sec. 2. Be it further enacted, That said club shall have full power and authority to adopt such constitution and by-laws, not inconsistent with law, as may be necessary or proper to the good management and control of said club, and the proper selection of officers or agents, and to regulate their terms of office, the number, reception and suspension or expulsion of members, the regulation of fees and dues, and the collection thereof, and generally to the government of the club, and the management of its business, and to amend or change the same.

By-laws

Sec. 3. Be it further enacted, That said club shall have authority to own and maintain a library and reading room, for the use of its members, to lease such real estate and buildings as may be necessary or proper for its own use; to operate or contract for a restaurant to be operated, to provide for and dispose of to its mem-

Rights

Members

bers cigars, cigarettes and tobacco, and such disposition shall not constitute a sale thereof, but shall be held and treated as a consumption by such members of their own property, to acquire and operate for the exclusive use of its members pool and billiard tables, gymnasium and bath tubs and bath rooms, and to borrow money and to secure the same by bonds and mortgages provided, however, that no indebtedness shall be created save the current expenses except by consent of two-thirds of the members of the club, given at a regular meeting of the club or at a meeting called for that purpose, of which meeting and the time and place of holding the same, and of the purpose for which the same is called, thirty days notice must be given to each member who is at the time in the City of Birmingham and whose residence is known, by mailing said notice to said member addressed to his last known residence, and prepaying the postage on same.

Sec. 4. Be it further enacted, That the location of said club shall be in the city of Birmingham, Jefferson county, Alabama, and the term member, when used in this act, when used in respect to the power and authority of the club to borrow money and execute bonds and mortgage, shall not be construed to mean honorary or non-resident members of the club, and the club shall have authority to prescribe the powers, rights and privileges of all honorary and non-resident members.

Number

Sec. 5. Be it further enacted, That the number of members of said club shall be and are hereby restricted to two hundred and fifty: Provided, however, That the number may be increased by a two thirds vote of the meeting of the members at any annual meeting or at any meeting called for the purpose which has been duly advertised by notices sent to the members as required in Section 3 of the act, and said meeting shall not be held within less than three weeks after mailing the said notices.

Approved February 23d, 1899.

No. 937.)

AN ACT

(H. 345.

To repeal an act to more effectually secure competent and well qualified jurors for the county of Marengo, approved December 9th, 1896.

Be it enacted by the General Assembly of Alabama, That an act entitled an act to more effectually secure competent and well qualified jurors for the county of Marengo, approved December 9th, 1896, be and is hereby repealed.

Approved February 23d, 1899.

No. 938.)

AN ACT

(H. 282.

To provide for the payment of claims against the fine and forfeiture fund of Tuscaloosa county.

Section 1. Be it enacted by the General Assembly of Alabama, That the treasurer of Tuscaloosa county shall pay out of any money in the general funds or treasury of said county, not otherwise appropriated, all claims which shall accrue against the fine and forfeiture fund of said county after the passage of this act, upon the presentation and surrender to him of the certificate therefor issued and proven as now provided by law, Provided, that the claims of the circuit clerk of said county and the claims of the clerk of the Tuscaloosa County Law and Equity Court, so paid, shall not exceed one thousand dollars in any one year, and if the same man is clerk of both of said courts, the total of the claims of the aforesaid class accruing from both offices shall not exceed one thousand dollars in any one year, and provided further, that the claims of the sheriff of said county, shall not exceed twelve hundred and fifty dollars in any one year. The word "year" as used in this section shall be construed to mean a calendar year, beginning January 1st, 1899.

Repeal

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 23d, 1899.

No. 939.)

AN ACT

(H. 1324)

To amend an act approved February 16th, 1897, entitled "An Act to amend an act approved February 12th, 1879, entitled an act to establish the Warrior Agricultural District," to provide for the securing of the same and the management of its affairs and to levy taxes for maintaining the same.

Stock district Section 1. Be it enacted by the General Assembly of Alabama, That the district or territory described in Section 1 of an act approved February 12th, 1879, entitled "An act to establish the Warrior Agricultural District, to provide for the securing of the same, and the management of its affairs," be, and the same is hereby made, constituted and established a district in which it shall hereafter be unlawful for animals or live stock of any kind or description whatsoever to be or run at large at any season of the year.

In effect

Sec. 2 Be it further enacted, That this act and the act approved February 16th, 1897, except as herein amended, shall be operative and in full force and effect immediately upon the approval of this act by the governor, without reference to any fence on the boundaries of said district and whether there be any such fence or whatever may be its condition. Provided that, when any stock has been impounded as provided in Section 6 of the act of February 16th, 1897, it shall be a complete defense to any proceedings against any stock or the owner thereof for damages, fees or expenses of impounding any stock, or in an action by the owner for the recovery of stock which has been impounded, that the stock or animal was at the time of the commission of the trespass for

which it is impounded, held, owned and kept outside of the said district, and that it entered said district at a point where there was no fence or at a point where the fence was in bad condition, and that the said entry, trespass and damage were due to the lack of a fence or to the bad condition of the fence, and provided that the burden of proving such facts shall be on the owner of the stock.

Sec. 3. Be it further enacted, That section 11 of the act of February 16th, 1897, be, and the same is hereby repealed.

Sec. 4. Be it further enacted, That there is hereby levied on all lands lying within the district described in section 1 of the act of February 16th, 1897, for the purpose of building and keeping in repair a fence on the boundaries of said district and for paying other proper and legitimate expenses of said district, a tax of one-fourth (1-4) of one per cent. of the value of which said land was assessed for the tax year beginning October 1st, 1898, said tax to be due and payable on or before the first day of March, 1899, and it is hereby made the duty of the tax collector of Tuscaloosa county to proceed on the first day of March 1899, to collect such of said taxes as shall then remain unpaid and for the collection of said taxes there are hereby conferred on said tax collector all of the rights, remedies and process as are now provided by law for the collection of State and county taxes and for which he shall receive the same compensation.

Sec. 5. Be it further enacted, That it shall be the duty of the county commissioners of Tuscaloosa county, at their regular term commencing on the first Monday in June, 1899, or as soon thereafter as practicable in the year 1899, and at the same time in each and every year thereafter to levy on all of the land in said district, for the purpose of building and keeping in repair a fence around said district, a tax of such amount as shall be requested by the commissioners of said district, not to exceed one-fourth (1-4) of one per centum of the value at which said land may be as-

essed for State and county taxes, the same to be due payable at the same time that State and county taxes are due and payable and it shall be the duty of the tax collector of Tuscaloosa county, and he is hereby required, to collect such taxes as may be hereafter levied on said land by the county commissioners of Tuscaloosa county, and for the security of such taxes there is hereby created and declared in favor of the commissioners of the Warrior Agricultural District, a lien such as is now conferred by law on the State for taxes due the State and for the collection of said taxes there are hereby conferred upon the tax collector of Tuscaloosa county the same powers and remedies as the law now confers for the collection of State and county taxes. It shall be the duty of the tax collector of Tuscaloosa county to pay over to the treasurer of the Warrior Agricultural District immediately upon receipt thereof by him, all taxes so collected by him, after deducting therefrom the commissions herein allowed him for collecting the same.

Re-enacted

Sec. 6. Be it further enacted, That the act approved February 16th, 1897, entitled "An act to amend an act, approved February 12th, 1879, entitled 'An act to establish a Warrior Agricultural District, to provide for the securing of the same, and the management of its affairs, except so far as the same is herein repealed and amended,'" is hereby re-enacted.

Repeal

Sec. 7. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 23d, 1899.

No. 943)

AN ACT

(H. 497

To require the county commissioners or board of revenue of the County of Jefferson to have prepared and published a complete and accurate map of all public highways and principal streams of said county, with accurate mileage of said public highways.

Section 1. Be it enacted by the General Assembly of Alabama, That the county commissioners or board of revenue of the County of Jefferson are authorized and they are hereby required to, as early as practicable, have prepared and published a complete and correct map of all the public highways and principal water courses in said county, together with correct mileage of all said public highways of said county, including all railways, side-tracks, dummy lines, electric car lines, public roads and driveways. Duty to have map

Sec. 2. Be it further enacted, That said commissioners shall employ competent persons by contract let to the lowest bidder to prepare and publish said map, whose duty it shall be to, within a reasonable time, complete the work, and when so prepared verify the correctness of the same by affidavit before the same is published. Contract

Sec. 3. Be it further enacted, That the number to be published shall be not less than two thousand copies. Number

Sec. 4. Be it further enacted, That a copy of said map shall be placed in the court room of the City Courts, First and Second divisions; Circuit Court, Criminal Court, Chancery Court and Probate Court; also, one copy in each of the offices of the clerks of said Courts, sheriff's office, tax assessor's office, tax collector's office and in the grand jury room. Where placed

Sec. 5. Be it further enacted, That said map shall be evidence as to distances traveled to and from Court by jurors, witnesses, and all matters where the distance traveled by any and all persons on business where mileage is paid. Evidence

For sale

Sec. 6. Be it further enacted, That said maps, after published, shall be put on the market by said commissioners for sale and such price as in their judgment is a proper and reasonable price, and all moneys received from the sale of said maps shall be paid into the treasury of said county as a general fund.

Expenses

Sec. 7. Be it further enacted, That the expenses of prepared and publishing said map shall be paid out of any funds in the county treasury not otherwise appropriated.

Approved February 23d, 1899.

No. 944)

AN ACT

(H. 1471

To amend an act to refund amounts paid for the years 1897 and 1898 as vehicle or wagon tax, under the provisions of Section 3 of "An act for the improvement of roads and bridges in Tuscaloosa County," approved February 18th, 1897.

Duties of
county
treasurer
and collect-
or

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "An act to refund amounts paid for the years 1897 and 1898 as vehicle or wagon tax under the provisions of Section 3 of 'An act for the improvement of roads and bridges in Tuscaloosa county,'" approved February 18th, 1897, be amended by adding the following: "Sec. 3. Be it further enacted, That it shall be the duty of the treasurer of Tuscaloosa county to pay to the tax collector of said county the amounts due tax payers under Sections 1 and 2 of this act; and it shall be the duty of the said tax collector to pay said amounts to the tax payers entitled to receive same, and said sums shall not be paid to any other person or persons, upon order or otherwise than the person or persons who paid such vehicle or wagon tax, or in case of the death of any such person, to his or her personal representative."

Approved February 23d, 1899.

No. 945)

AN ACT

(H. 1343

To repeal an act for the protection and preservation of game, animals, birds and fishes, and to prevent hunting in Franklin county, approved February 4, 1893.

Section 1. Be it enacted by the General Assembly of Alabama, That an act for the protection and preservation of game, animals, birds and fishes, and to prevent camp hunting in Franklin county, be and the same is hereby repealed. Repeal

Approved February 23d, 1899.

No. 946)

AN ACT

(H. 1283

For the relief of Samuel F. Alston; to authorize and require the treasurer of Tuscaloosa county to pay him certain officers claims out of fine and forfeiture fund.

Section 1. Be it enacted by the General Assembly of Alabama, That the treasurer of Tuscaloosa county be and he is hereby authorized and required to register and to pay to Samuel F. Alston, out of the fine and forfeiture fund of Tuscaloosa county the amount of the following claims, namely: Payments
For services rendered by J. O. Prude, as sheriff of Tuscaloosa county, in the following cases, namely: The State vs. John Grogan, seven 50-100 dollars; the State vs. Emma Neilson, six no-100 dollars; the State vs. Dora Brown, six no-100 dollars; the State vs. Rufus Montgomery, four no-100 dollars; the State vs. Jim Anderson, six no-100 dollars; the State vs. Lane Penny, four 50-100 dollars; the State vs. George Clarke, six no-100 dollars; the State vs. John Prince, five 50-100 dollars; the State vs. Dora Brown, five 50-100 dollars. For services rendered by E. Moore, as sheriff of Tuscaloosa county, in the following cases, namely: The State vs. Zeke Cooper, forty-five no-100 dol-

lars; the State vs. Spencer Whitfield, nine 50-100 dollars. For services rendered by J. O. Prude, as clerk of the Circuit Court of Tuscaloosa county, in the following cases, namely: The State vs. Zeke Cooper, nineteen 60-100 dollars; the State vs. Spencer Whitfield, two 85-100 dollars.

Approved February 23d, 1899.

No. 947)

AN ACT

(H. 1064

To change the name of Gaylesville High School and grant additional powers.

Name
changed

Section 1. Be it enacted by the General Assembly of Alabama, That the name of Gaylesville High School, as incorporated under the general laws of the State of Alabama, be and the same is hereby changed to Gaylesville College.

Corporation

Sec. 2. Be it further enacted, That John A. Lowery be and he is hereby created a corporation, sole and body politic, with the power of succession, and with the power to do and perform all acts and things which may be necessary to properly carry out the purpose of said college.

Power

Sec. 3. Be it further enacted, That the said John A. Lowery and his successors shall have power to appoint an advisory board of trustees, and to change such number at pleasure.

School fund

Sec. 4. Be it further enacted, That there shall be nothing in this act so construed, nor shall there be any law now in force or any law hereafter enacted that shall deprive any pupil of the college in the school age from receiving his or her pro rata share of the public school fund.

Powers

Sec. 5. Be it further enacted, That the said corporation shall have power to acquire, own and possess, by gift, purchase or otherwise, real and personal property in perpetuity to the extent of the value of twenty-five thousand dollars (\$25,000), the same to be exempt from taxation, either State, county or municipal, and shall have such other

powers as are granted to private corporations under existing laws.

Sec. 6. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 23d, 1899.

No. 948)

AN ACT

(H. 1297

For the relief of Bankers and Merchants Life Association of Illinois.

Be it enacted by the General Assembly of Alabama, as follows, viz: That the State auditor be and he is hereby directed and empowered to draw his warrant upon the State treasurer in the sum of one hundred dollars, payable to Bankers and Merchants Life Association of Illinois, or their attorneys, and thereby refund to said Bankers and Merchants Life Association of Illinois the sum of one hundred dollars deposited with said State auditor in payment of license for doing business in this State for the year ending December 31, 1897.

Approved February 23d, 1899.

No. 949)

AN ACT

(H. 914

To relieve Willam P. Munden, Jr., of Perry county, Alabama, a minor twenty years of age, of the disabilities of non-age.

Section 1. Be it enacted by the General Assembly of Alabama, That William P. Munden, Jr., a minor, twenty years of age, be and is hereby relieved from the disabilities of non-age, and is hereby vested with the right to sue and be sued, contract and be contracted with, to buy, sell and convey real and personal property, and generally to do and perform all acts which such minor could lawfully do if twenty-one years of age.

Approved February 23d, 1899.

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STATE OFFICERS.

THE OFFICIAL HEADS OF THE DEPARTMENTS.

Joseph Forney Johnston, of Jefferson.....Governor
Robert P. McDavid, of Montgomery.....Secretary of State
George W. Ellis, of Dallas.....State Treasurer
Walter S. White, of Colbert.....State Auditor
Charles G. Brown, of Jefferson.....Attorney General
John W. Abercrombie, of Calhoun.....Sup't of Education
Isaac F. Culver, of Bullock....Commissioner of Agriculture
W. H. Sanders, of Mobile.....State Health Officer
James Crook, of Calhoun....President Railroad Commission
S. B. Trapp, of Calhoun.....President Convict Board
Thomas N. McClellan, of Limestone, Chief Justice of the
Supreme Court.

THE SENATE OF ALABAMA.

President—R. M. Cunningham, of Jefferson.

Secretary—John F. Proctor, of Jackson.

Assistant Secretary—Richard G. Banks, of Montgomery.

Enrolling and Engrossing Clerk—D. F. McCall, of Montgomery.

Doorkeeper—J. A. Johnson, of Cullman.

ALABAMA SENATORS.

First District....	B. M. Sowell..	Athens.
Second	S. P. Rather..	Decatur.
Third.. ..	Will. G. Brown....	Cullman.
Fourth.. ..	E. L. Pulley....	Huntsville.
Fifth....	George I. Hall..	Stevenson.
Sixth....	J. A. Hurst..	Walnut Grove.
Seventh.. ..	J. W. Abercrombie	Anniston.
Eighth....	John R. McCain..	Lineville.
Ninth....	J. T. Thomaston..	Graham.
Tenth....	P. O. Stevens....	Alexander City.
Eleventh.....	F. S. Moody....	Tuscaloosa.
Twelfth.. ..	T. L. Sowell....	Jasper.
Thirteenth	R. M. Cunningham	Pratt City.
Fourteenth.. ..	W. D. Windham..	Stone.
Fifteenth....	G. B. Deans....	Calera.
Sixteenth	E. A. Caffee....	Marion.
Seventeenth.. ..	A. W. Deans..	Loango.
Eighteenth.. ..	J. G. Moore....	Blocton.
Nineteenth.. ..	Isaac Grant....	Grove Hill.
Twentieth.. ..	D. J. Meador..	Myrtlewood.

Twenty-first... . C. S. Lee.... . Brewton.
 Twenty-second... . S. C. Jenkins... . Camden.
 Twenty-third... . George W. Brooks. Geneva.
 Twenty-fourth... . W. D. Jelks..... Eufaula.
 Twenty-fifth... . Geo. N. Buchanan. Luverne.
 Twenty-sixth... . C. W. Thompson.. Tuskegee
 Twenty-seventh... . W. J. Boykin... . Seale.
 Twenty-eighth... . A. A. Wiley.... . Montgomery.
 Twenty-ninth... . D. C. Case... . Collinsville.
 Thirtieth... . J. H. Nunnelee... . Selma.
 Thirty-first... . W. H. Matthews... Guin.
 Thirty-second.... . Amos Horton... . Pleasant Ridge.
 Thirty-third... . A. S. Lyons... . Mobile.

Note—The Senators from the even-numbered districts were elected in August, 1898, and their terms continue for four years from that date.

THE HOUSE OF REPRESENTATIVES.

Speaker—Charles E. Waller, of Hale.

Clerk—Massie Wilson, of Clarke.

Assistant Clerk—Frank N. Julian, of Colbert.

Engrossing Clerk—Val Taylor, of Perry.

Enrolling Clerk—Judge Williams, of Barbour.

Doorkeeper—Robert Hasson, of Etowah.

ALABAMA REPRESENTATIVES.

Autauga.. . . .	H. S. Doster.....	Prattville.
Baldwin.. . . .	J. H. H. Smith.....	Stockton.
Barbour.. . . .	L. H. Lee.....	Clayton.
Barbour.. . . .	T. M. Patterson....	Louisville.
Bibb.. . . .	Charles Collier.. .	Centreville.
Blount.. . . .	George S. Sloan....	Sloan.
Bullock.. . . .	J. T. Flewellen....	Flora.
Bullock.. . . .	George Jones.. . .	Hector.
Butler.. . . .	J. E. Cheatham....	Georgiana.
Calhoun.. . . .	W. F. McCain.....	Anniston.
Calhoun.. . . .	M. W. Maddox.....	Fredonia.
Chambers.. . . .	J. Thomas Heflin...	LaFayette.
Chambers.. . . .	John H. Stodghill..	LaFayette.
Cherokee... . .	A. M. Cornelius....	Maple Grove
Chilton.... . .	L. H. Reynolds.. .	Jemison.
Choctaw.. . . .	J. J. Kelly.....	Butler.
Clarke.. . . .	Thomas A. Long....	Jackson.
Clarke.. . . .	J. W. Mathews.....	Nealton.
Clay.... . . .	H. Clay Knight....	Barfield.
Cleburne.. . . .	W. M. Garrett.....	Oakstone.
Coffee.. . . .	A. J. Edwards.....	Keyton.
Colbert.... . .	Wilson R. Brown...	Sheffield

Conecuh.....	P. M. Bruner.....	Evergreen.
Coosa.....	Joseph Porter... ..	Iwana.
Covington.. . . .	M. D. Jones.....	Andalusia.
Crenshaw.. . . .	George H. Thigpen.	Brantley.
Cullman.. . . .	W. T. L. Cofer.....	Cullman.
Dale.....	William Garner... ..	Ozark.
Dallas.....	John D. Riggs.....	Selma.
Dallas.....	Paul Carson... ..	Selma.
Dallas.....	W. M. Vaughan....	Selma.
DeKalb.. . . .	W. T. Fuller.....	Fort Payne.
Elmore.. . . .	Eli Haynie....	Dexter.
Escambia.. . . .	G. W. L. Smith....	Brewton.
Etowah.. . . .	J. L. Marbut.....	Hokes Bluff.
Fayette.. . . .	J. S. Hollis.....	Coven.
Franklin.. . . .	J. A. Byars.....	Russellville.
Geneva.. . . .	C. O. Box.....	Sanders.
Greene.....	Bernard Harwood..	Eutaw.
Hale.....	Charles E. Waller..	Greensboro.
Hale.....	A. M. Tunstall.. .	Greensboro.
Henry.....	B. A. Forrester.. .	Cowart.
Henry.....	M. V. Capps.. . .	Abbeville.
Jackson.. . . .	Milo Moody.. . . .	Scottsboro.
Jackson.. . . .	Calvin Rousseau...	Garth.
Jefferson.. . . .	G. B. Burkhalter...	Birmingham.
Jefferson.. . . .	John W. McQueen..	Birmingham.
Jefferson.. . . .	S. C. Davidson.....	Warrior.
Jefferson.. . . .	J. B. Gibson.....	Birmingham.
Jefferson.. . . .	D. W. Houston.. .	Jonesboro.
Jefferson.. . . .	Van Huey....	Bessemer.
Lamar.. . . .	A. B. Seay.. . . .	Fern Bank.
Lauderdale.. . . .	J. J. Mitchell.. .	Florence.
Lauderdale.. . . .	H. A. Killen.. . .	Green Hill.
Lawrence.. . . .	Luther W. White...	Hatton.
Lee.....	John T. Harris.. .	Opelika.
Lee.....	L. C. Jones.. . . .	Phoenix City.
Limestone.. . . .	Erle Pettus....	Elkmont.

Lowndes	C. P. Rogers....	Letohatchee.
Lowndes....	Dr. A. C. McRee...	Lowndesboro.
Macon....	W. H. Hurt....	Tuskegee.
Madison.....	J. H. Lyle....	Huntsville.
Madison....	J. H. Wallace, Jr.	Huntsville.
Marengo....	R. R. Poole....	Tombigbee.
Marengo....	J. M. Miller...	Hamilton.
Marion....	W. C. Davis....	Linden.
Marshall....	J. A. Jarrett....	Diamond.
Mobile....	J. J. Delchamps..	Mobile.
Mobile....	C. L. Lavretta..	Mobile.
Mobile....	E. M. Robinson..	Mobile.
Monroe..	O. O. Bayles....	Monroeville.
Montgomery....	W. C. Bibb....	Montgomery.
Montgomery..	Bibb Graves....	Montgomery.
Montgomery..	Horace Hood..	Montgomery.
Montgomery..	Ben. H. Screws..	Montgomery.
Morgan....	O. Kyle..	Decatur.
Morgan....	D. F. Green....	Falkville.
Perry....	Eli George....	Felix.
Perry..	R. A. Hardy....	Uniontown.
Pickens....	R. F. Henry....	Palm.
Pike....	F. S. Address..	Troy.
Pike	John P. Hubbard..	Troy.
Randolph....	John T. Heflin....	Roanoke.
Russell..	J. F. Tate....	Uchee.
Russell....	W. C. McGuire....	Montgomery.
Shelby..	W. H. Sturdivant..	Bamford.
St. Clair....	N. B. Spears....	Pell City.
Sumter....	A. J. Arrington..	Epes.
Sumter....	W. H. Seymour...	Livingston.
Talladega..	E. C. Dameron....	Childersburg.
Talladega..	W. J. Cannon....	Sylacauga.
Tallapoosa....	T. L. Bulger..	Dadeville.
Tallapoosa....	vacancy caused by the death of B. A. Dean.	

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Tuscaloosa.....	H. B. Foster..	Tuscaloosa.
Tuscaloosa.....	W. W. Brandon...	Tuscaloosa.
Walker.....	Sheriff Lacey....	Jasper.
Washington..	George W. Sullivan	St. Stephens.
Wilcox..	N. D. Godbold....	Pine Hill.
Wilcox....	W. L. Jones.....	Camden.
Winston....	A. S. Palmer....	Natural Bridge.

The foregoing is a correct list of the State officials
for Alabama on January 1, 1899.

ROBERT P. McDAVID,
Secretary of State.